KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2017/62/94056/W
Site Address:	Ymca, Lawrence Batley Recreational Complex, New Hey Road, Salendine Nook, Huddersfield, HD3 3XF
Description:	Siting of click & collect parcel lockers
Recommending Officer:	William Simcock

DECISION – Temporary conditional full permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Teresa Harlow

AUTHORISED OFFICER

Date: 24-May-2018

Officer Report

Site Description

The site comprises a small hard-surfaced area on the left (west) side of a private driveway leading to a sports complex. The land is used for bottle recycling banks. Behind it is a large overflow parking area serving the sports complex and on the other side of this car park is residential development. The sports hall and associated playing pitches lie to the north. The access track joins New Hey Road some distance to the south.

Description of Proposal

The proposal is an application for the siting of click and collect parcel lockers. The existing lockers have been installed without planning permission against the south side wall of the sports centre. The proposed new location is on the west side of the access track just before the turning head.

History of negotiations/amendments received

Agent was asked whether applicant would accept shorter opening hours on a Sunday, and whether access to the lockers could be restricted out of hours. See Assessment section (4).

Relevant Planning History

COMP/17/0253 – Alleged unauthorised change of use to storage. Planning application submitted.

Representations

Final publicity date Expires: 08-Jan-2018

No representations have been made.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- Highways Development Management – No objections.
- Environmental Health – Acceptable in principle subject to conditions.

Policy

The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is Unallocated (but next to Urban Greenspace) on the UDP Proposals Map and without designation on Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design
- **T10** – Highway safety

Kirklees Publication Draft Local Plan (PDLP):

- **PLP 21:** Highway safety and access
- **PLP 24:** Design
- **PLP 52:** Protection and improvement of environmental quality
- **PLP 61:** Urban Green Space

National Policies and Guidance:
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, together with Circulars, Parliamentary Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 7 – Requiring good design

- Chapter 8 – Promoting healthy communities
- Chapter 11 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below –

1) Principle of development
2) Urban Greenspace issues
3) Impact on visual amenity (including any heritage considerations)
4) Impact on residential amenity
5) Impact on highway safety
6) Other matters – e.g. trees/ecology (e.g. bats)
7) Representations
8) Conclusion

1 – Principle of development: The site is unallocated on the UDP Proposals Map and Urban green space on the Publication Draft Local Plan.

The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states "planning permission for the development … of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]".

UDP Policies of relevance include BE1 and BE2 (development should be visually attractive and contribute to a sense of local identity), EP4 (impact of noise-generating development on noise-sensitive uses to be assessed at the planning stage) and T10 (development should not create or materially add to highway safety problems).

PLP 61, relating to Urban Green Space, states that development will not be allowed in such areas except in a limited range of circumstances. It attracts substantial objections and so it can be given at most only very limited weight. Chapter 8, para 74 of the NPPF, however, seeks to retain 'open space' save for a limited number of exceptions, and as the site forms part of a wider area in sport and recreation use and so the implications of this will be considered.

The other PDLP policies of relevance are PLP21, 24 and 52 but these cover similar areas of concern to the UDP policies already listed.

2 – Open space and recreation issues: The development does not fall within the exceptions within Para 74 of the NPPF as it is not for alternative sports and recreation provision and an assessment of open space has not been undertaken. However, it is noted that the development would not in itself affect existing sports provision (or associated parking) in either quantity or quality.

It is considered that it would be compatible with the aims of NPPF chapter 8.

3 –Impact on visual amenity: It is considered that in context the lockers would have no significant impact on visual amenity or the visual character of the area and would accord with the aims of Policies BE1-2 of the UDP and PLP24 of the PDLP.

4 – Impact on residential amenity: The site is in a residential area. The proposed lockers would be placed about 15m from the nearest residential curtilage boundary and 25m from the nearest habitable room windows (to the west). Environmental Health have confirmed that they have recorded complaints arising from use of the lockers in their existing position in the early hours of the morning, of which two were during the winter and one this April. Initially, Environmental Health recommended that if night-time or very early morning use is proposed, an acoustic report be submitted before the application is determined. Their most recent comments (in the light of the two most recent noise complaints) are that they would recommend refusal but if planning permission is to be granted it must be a temporary one and that the lockers must be removed from their present position as quickly as possible.

The proposed location for the lockers would not be ideal, as the area is mainly residential, and they would be fairly close to at least one residential property (32 Hadrian's Close). But the lockers would be 30m away from the nearest point on the rear elevation of no. 32, compared to 18m in their present position, and would no longer have the potential to disturb occupants of 21-27 Hadrian's Close. Furthermore, vehicles would not have to drive as far into the site and they would be able to turn around using the area next to the all-weather pitch, so vehicle movements associated with the lockers would, it is expected, be less likely to cause disturbance.

A small amount of noise disturbance may occur anyway as a result of people arriving by car to use the sports facilities, but this will only apply when the facilities are open, which varies according to the day of the week. Furthermore the nature of the activity generated from the parcel lockers would be different; noise would be generated by the lockers being opened and shut, and private cars and vans being loaded and unloaded, in addition to vehicles arriving and departing. The applicant originally proposed that the hours be restricted to 6:30am until 6:30pm; the justification for this was that the YMCA fitness facility is open from 6:30am. In fact the fitness centre is only open from this time on Mondays and Tuesdays. The applicant subsequently agreed in principle to accept a further limitation on hours (10am start time on Sunday) and suggested that measures could be taken to discourage use outside the agreed times: putting up signage to indicate the approved hours of use, and sanction anyone using them outside these hours by changing their lock. Although the installation of signage might be helpful, the measures proposed could, from a practical point of view, prove difficult to enforce as they would require some form of active monitoring by the applicant. The lockers would be sited in an area to which the public have unrestricted access, and the applicant has ruled out the installation of gates or barriers as being

uneconomical. The Enforcement Officer has advised that, notwithstanding these factors, it would in principle be possible to enforce a condition on hours.

It is considered that whilst there is some remaining uncertainty as to the potential for noise disturbance arising from the lockers, a pragmatic approach would be to impose a temporary permission in their new position for 12 months, subject to the hours being limited (0730 to 1830 Mon-Sat, 1000 to 16:30 Sunday and Bank Holidays) and the requirement that they must be removed from their present, unauthorised, position within one month.

Subject to this it would comply with the aims of Policy EP4 and D2, and PLP 52.

5 – Impact on highway safety: It is considered that the local highway network is sufficient to serve the development and that there is more than adequate parking for delivery vehicles to load and unload.

The storage lockers, in their new position, would have no effect on existing parking or access arrangements. It is considered that the additional trip generation would not be detrimental to highway safety because the layout of the access road and visibility at the junction with New Hey Road are satisfactory. In conclusion, the proposal does not create or materially add to highway safety problems and would comply with T10 and PLP21. No conditions relating to highway safety are required.

6 – Other matters: The application is not considered to raise any further issues of planning significance.

7 – Representations: No representations have been made.

Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation – CONDITIONAL FULL PERMISSION

Decision Authorisation - Delegated Powers

Application Number: 2017/94056

Officer Recommendation: CONDITIONAL PERMISSION (TEMPORARY PERIOD)

Conditions and Reasons

1. Within one month of the date of this permission, the lockers shall have been permanently removed from their unauthorised position against the southern wall of the sports centre and placed in the new location shown on plan 3210 (PL) 01.
Reason: To accord with the terms of the application and to ensure that the lockers do not give rise to unacceptable levels of noise disturbance to residential properties in the vicinity of the site, and to accord with the aims of Policies D2 and EP4 of the Unitary Development Plan and PLP52 of the Publication Draft Local Plan.

2. The use of the site hereby granted shall be for a limited period to expire on __ May [12 months after granting of permission] 2019. At the end of this period the use hereby approved shall be discontinued and the parcel lockers permanently removed from the site, unless after proper application having been made to the Local Planning Authority, a further permission for the use is granted.
Reason: To allow the impact of the proposed development to be assessed in that period so that in the event of lockers giving rise to an unacceptable level of noise disturbance to nearby residential properties, the use can be discontinued, and to accord with the aims of Policies D2 and EP4 of the Unitary Development Plan, PLP52 of the Publication Draft Local Plan, and Chapter 11 of the National Planning Policy Framework.

3. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies BE1 and BE2 of the Kirklees Unitary Development Plan and Policy PLP24 of the Publication Draft Local Plan.

4. The click and collect parcel lockers hereby permitted to be sited shall not be open to customers, nor shall any deliveries to or dispatches from the lockers take place, outside the hours of 07:30 to 18:30 Monday to Saturday and 10:00 to 16:00 Sundays and Bank Holiday Mondays.
Reason: To minimise the risk of the development giving rise to loss of amenity to residential properties in the vicinity of the site arising from noise disturbance, and to accord with the aims of Policies D2 and EP4 of the Unitary Development Plan, PLP52 of the Publication Draft Local Plan, and Chapter 11 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			27-Nov-2017
Location plan	3210 (LP) 01		27-Nov-2017
Byboxes proposed siting	3210 (PL) 01		27-Nov-2017
Planning support statement	3210		27-Nov-2017

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The case officer undertook negotiations with the applicant to determine what limitations on hours of use would allow the facility to function while protecting residential amenity.

Report Dated: 24.5.2018