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:	2017/62/94373/W
Site Address:	311, Leeds Road, Huddersfield, HD1 6NZ
Description:	Demolition of former public house and change of use of land to car sales forecourt
Recommending Officer:	Neil Bearcroft

DECISION – 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: 21-Feb-2018

Officer Report

Site Description **-** 311, Leeds Road, Huddersfield, HD1 6NZ

The application site forms a currently vacant public house and associated car park located at the corner of Leeds Road and Canal Street in Huddersfield. The car park is currently in use a hand car wash. Surrounding the site are a mixture of commercial units, uses and dwelling houses.

Description of Proposal

The application seeks the demolition of the vacant public house and change of use of land to form a car sales site. Access to the site would be via Canal Street with 6 customer parking bays provided along with 4 staff spaces. Car spaces would front on to Leeds Road and Canal Street, though no specified number of spaces has been provided. A one metre high stone wall would be erected around the site with slab coping on top.

The proposed house of use would be Mon- Sat 8:30 to 18:00 and 10:00 to 16:00 Sundays.

History of negotiations/amendments received

Further information regarding house of use were requested by Planning Officers and information subsequently provided.

Relevant Planning History

None

Representations

Final publicity date Expires: 15/2/2018, one representation received, a summary of the comments received is set out below:

- The site is an attractive stone built building with original tiles entrance. It has unusual lettering incised in the stone both in the pediment and stepped gable of the extension.
- It does not appear that the building has been advertised as a public house and it is considered that there is potential for it to operate a public house if viable given the opportunity.
- If the public house is no viable then a conversion to housing or a commercial use retaining the building would be preferred to the demolition of the building.

Consultation Responses

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

- **KC Highways DM** – No objection subject to conditions

- **KC Environmental Services** – no objection subject to conditions
- **Environment Agency** – no objection, standing advice should be followed.
- **Health and Safety Executive** – does not advise on health and safety grounds against the granting of planning permission

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 on the UDP Proposals Map and on the Kirklees Publication Draft Local Plan.

- Access considerations - none

Kirklees Unitary Development Plan:

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design
- **T10** – Highway Safety
- **T19** – Parking Standards

Kirklees Publication Draft Local Plan (PDLP):

- **PLP1** - Presumption in favour of sustainable development
- **PLP2** – Place Shaping
- **PLP21** – Highway Safety and Access
- **PLP22** - Parking
- **PLP24** – Design

- **PLP48** – Community Facilities
- **PLP52** – Protection and improvement of environmental quality

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 health communities
- **Chapter 10** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 11-** Conserving and enhancing the natural environment

Assessment

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]". All these considerations are addressed later in this assessment. The site is also unallocated on the draft Local Plan and Policies PLP1 and 2 are therefore relevant.

Principle

The application would lead to the loss of a public house which could be considered a community facility. There are no specific policies to consider for the loss of community facilities in the UDP however Policy PLP48 of the draft Local Plan is relevant which sets out parameters to consider in such circumstances along with Chapter 8 of the NPPF. The parameters include when the facility is no longer needed, no longer viable and where there is sufficient or better facilities elsewhere within easy reach of the site. Furthermore consideration of all options for the continuation of the use at the site should be considered first and consideration should be given to the Community Asset Register.

From reviewing historic maps it is noted that the site has been home to a public house/Inn since the 1850s with the site mainly being known by its previous name, the Waggon and Horses. Based on information available to Planning Officers, the public house closed in late 2015, with a report in the local newspaper stating that the business was not viable. While the submitted application does not detail any information regarding marketing of the site it is acknowledged that the site has been vacant for over 2 years. It is also acknowledged that there are other public houses within the local area which

serve local needs such as Yorkshire Rose 400 metres to the south west, the Rope Walk 450 metres to the south east and the Peacock 700 metres to the north east. Given this surrounding provision it is considered that there is sufficient provision for the local community. In addition a hand car wash has been operating on the former car park for a number of years possibly up to 10 years and it is noted that this does not benefit from any formal planning permission. Consideration of the Community Asset Register has been considered and the application site is not listed on this register.

Whilst the loss of a public house is regrettable given the above it is considered that there is sufficient reasoning to allow for its loss without having a detrimental impact on the local community, and would therefore accord with Policy PLP48 of the draft Local Plan and policies in Chapter 8 of the NPPF.

Design

In terms of design Kirklees UDP Policies D2, BE1 and BE2 are relevant, along with Policy PLP24 of the draft Local Plan and Policies in Chapter 7 of the NPPF. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

The biggest impact of the proposal regarding design would be the loss of the existing building which is a two storey stone built property with stone surrounds and other architectural detailing such as incised writing of the public houses former name. Whilst the building is considered to have attractive qualities it is not considered to represent an undesignated heritage asset and is not located within a Conservation Area. Whilst it loss would change the appearance of the site it is not considered to be so detrimental to the character and appearance of the local area. Leeds Road contains a variety of different building types and designs including car sales sites such as that opposite the junction with St Andrews Road and the change of use of land to form car sales is not considered to be detrimental to the wider character of the Local Area. The proposal is therefore considered to have an acceptable impact in design terms. The erection of a regular coursed natural stone wall to the boundary would help tie in with established boundary treatments in the wider area.

Amenity

The impact of the development on residential amenity needs to be considered in relation to Policies D2 and EP6 of the UDP and Policies PLP24 and 52 of the PDLP and Policies in Chapter 11 of the NPPF. The application has also been assessed by Environmental Services. The closest properties to the application site are on Canal Street and Fieldhouse Road to the south west with other residential properties located on Leeds Road to the east.

The proposed car sales use is considered to be a reasonably low generator of noise and whilst it is noted that there would be activity throughout the day with the movement, washing and selling of the cars it is considered that this would

be no more detrimental in amenity terms than the former public house and other adjacent uses. The applicant has now provided hours of use which are considered reasonable and would lead to activity within the daytime with no evening use. Furthermore Environmental Services raise no objection subject to the hours of use being conditioned and ensuring that no flood lights are permitted as part of the consent which can be conditioned. Subject to the conditions set out above the proposal is considered to have an acceptable impact on local amenity.

Highway Safety

With regard to Highway Safety the application has been assessed against policies T10 and T19 of the Kirklees UDP and Policies PLP21 and 22 of the draft Local Plan. The application has also been assessed by the Councils Highway Officer who raises no objection after the submission of an amended plan.

Access to the site would be via Canal Street which represents an existing access point to the car park of the pub and is currently used to access the hand car wash. The proposal would provide 4 staff spaces and 6 visitor spaces with cars for sale located across the remainder of the site. It is noted that no specific number of cars for sale has been provided however it is not considered necessary to require a specific number of vehicles as this would be limited by the space available. Given that some new surfacing works would be necessary and to ensure that the car park is laid out in accordance with the submitted plans a condition will be attached to the decision notice in this regard. Subject to the above condition the proposal is considered to have an acceptable impact on highway safety.

Flood Risk

The site is located within Flood Zone 2 and will be assessed against policies in Chapter 10 of the NPPF and Policy PLP27 of the draft Local Plan. The Environment Agency have stated that standing advice should be followed.

The existing former public house would represent a ‘more vulnerable’ use in Table 2 of the flood risk vulnerability classifications of the NPPG and the proposed car sales use would represent a ‘less vulnerable use’. ‘Less vulnerable’ uses are appropriate in Flood Zone 2 as set out in table 3 flood zone ‘compatibility’ and the proposed development would be better in flood risk terms than the existing.

In light of this Planning Officers consider that the proposal would have an acceptable impact on Flood Risk and the proposal would meet the requirements of Chapter 10 of the NPPF and Policy PLP27 of the PDLP.

Other Matters

Bats

The site is located within the Bat Alert Layer, however a bat roost is not identified at the premise and the building is considered to be well sealed and unlikely to house bats. In light of this it is considered appropriate to attach a note regarding bats to the decision on the application.

Health and Safety Executive (HSE)
The site is located within one of the hazard zones of the HSE and the HSE have been consulted via the online system. The HSE does not advise, on safety grounds against the granting of planning permission.

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 – Full Conditional Permission

Decision Authorisation - Delegated Powers

Application Number: 2017/94373

Officer Recommendation: Full Conditional Permission

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Order 2004.

2. 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, in the interests of residential amenity, highway safety to accord with policies BE1, BE2 and T10 of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and core planning principles, Chapter 7 of the National Planning Policy Framework.

3. No activities *shall* be carried out on the premises, including deliveries to or dispatches from the premises, outside the times of 0830 to 1800 Monday to Saturday and 0900 to 1700 on Sundays.
Reason: In the interests of the protection of amenity of adjacent residential properties and to accord with the requirements of Policies D2 and EP6 of the Kirklees Unitary Development Plan, Policy PLP52 of the Kirklees Publication Draft Local Plan, and Policies in Chapter 11 of the National Planning Policy Framework.

4. The development shall not be brought into use until all areas indicated to be used for parking, turning and the sale of cars as set out on the hereby approved site layout plan Dwg. No. 2518-01 A have been marked out in accordance with the approved plan, and laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for the uses specified on the listed plans and retained thereafter.
Reason: In the interests of amenity and traffic safety. To ensure adequate space within the site for vehicle movements and parking, to avoid an increase in flood risk and in accordance with Policy T10 of the Kirklees Unitary Development Plan and Policies PLP 21, 22 and 28 of the Kirklees Publication

Draft Local Plan.

5. The development shall not be brought into use until the ‘new regular coursed natural stone 1m high wall with buff paving stone coping’ as indicated by a double line on the hereby approved site layout plan Dwg. No. 2518-01 A has been erected. Thereafter the wall shall be retained in accordance with these details.
Reason: So as to ensure the satisfactory appearance of the development on completion, in the interests of visual amenity to accord with policies BE1, BE2]of the Kirklees Unitary Development Plan, Policy PLP24 of the Kirklees Publication Draft Local Plan and core planning principles, Chapter 7 of the National Planning Policy Framework.

6. This permission does not authorise the installation or use of any floodlighting.
Reason: For the avoidance of doubt as to what is being permitted and in the interests of residential and visual amenity and in the interests of preventing light pollution and to accord with Policies D2, BE1 and BE2 of the Kirklees Unitary Development Plan as well as Policies PLP24 and 52 of the Kirklees Publication Draft Local Plan, and Policies in Chapter 11 of the National Planning Policy Framework.

NOTE: The Council’s Environment Officer has commented that a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not.

If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

Plans and specifications schedule:-

Plan Type	**Reference**	**Version**	**Date Received**
Location Plan	2518-LOC	-	27/12/2017
Site Layout Plan	2518-01 A	-	24/1/2018
Proposed Hours of Use		-	24/1/2018

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 secure amended plans in relation to highway safety which was provided. The application was then considered to be acceptable.

Report Dated: 20/2/2018