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:	2019/62/92637/W
Site Address:	Unit 7, The Old Railway Goods Yard, Scar Lane, Milnsbridge, Huddersfield, HD3 4PE
Description:	Use of premises for MOT station
Recommending Officer:	William Simcock

DECISION – Full Conditional 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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 08-Oct-2019

Officer Report

Site Description

Unit 7 comprises a modern building (built in coursed artificial stone and profiled cladding) on a small industrial estate. It is used for vehicle repairs. Other units on the estate are in storage & distribution, business or general industrial uses. The site is approximately 40m from the railway lines to the north. The wider area, outside the boundaries of the industrial estate, is mainly residential.

Description of Proposal

The proposal is for the use of the premises as an MOT station.

No physical alterations or works to the exterior of the building are proposed and the application form indicates that the hours of use and employment would be unchanged.

History of negotiations/amendments received

None.

Relevant Planning History

Unit 6: 2015/91105 – Use of premises as MOT station. Approved, not implemented.

Representations

Final publicity date expires: 03-Oct-2019

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):

- KC Environmental Services – No objections
- KC Highways Development Management – No objections

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is Priority Employment Area on the Kirklees Local Plan.

The proposal is not considered to raise access or other Equality Act issues.

Kirklees Local Plan (LP):

- **LP 1:** Presumption in favour of sustainable development
- **LP7**: Efficient and effective use of land and buildings
- **LP8:** Safeguarding employment land and premises
- **LP 21:** Highway safety and access
- **LP 22:** Parking
- **LP 52:** Protection and improvement of environmental quality.
- **LP 53:** Contaminated Land

National Policies and Guidance:
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

- Chapter 12 – Achieving well-designed places
- Chapter 15 – Conserving and enhancing the natural environment.

Assessment
The following matters are considered in the assessment below –

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

<u>1 – Principle of development</u>:

Policy LP1 of the Local Plan states that when considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. LP1 goes on further to stating that:

“The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

As the proposal would result in the safeguarding or enhancement of an existing employment-generating use, it would be compatible with the aims of LP8 and would support the aims of sustainable development, subject to an assessment of amenity, environmental and transport issues as set out in LP21-22, 52 and 53 above, and NPPF Chapter 15.
2 –Impact on visual amenity: In this instance, no visual amenity impacts are anticipated.

3 – Impact on residential amenity: The site is approximately 20m from the nearest residential curtilage boundary and 40m from the nearest dwelling (48 Scar Lane, to the south).

The premises form part of an established industrial estate, but the level of background noise arising from existing uses, based on the case officer's observations on a site visit, is very low. Given the location, it is considered that any additional noise or fumes generated by the proposed use are unlikely to be detrimental to residential amenity, subject to hours of use, which are not specified on the form. As a precautionary measure, following the approach that was used for another unit on the same industrial estate, it is recommended that the hours of use for MOT testing be limited to 0730 until 1800, Monday to Saturday only. These hours have been proposed to the applicant who has confirmed they are acceptable.

Subject to this it is considered to be compliant with the aims of LP1, LP52 and NPPF Chapter 15.

4 – Impact on highway safety: LP21 states that proposals must avoid a detrimental impact on highway safety and ensure the safe and efficient flow of traffic within the development and the surrounding highway network. LP22 states that plans should demonstrate how the design and amount of parking proposed is the most efficient use of land as part of encouraging sustainable travel.

The development is unlikely to lead to a significant increase in trip generation. The access to the site is suitable for larger vehicles. Although not formally marked out, there is enough space within the site to provide for the likely parking demand.

It is considered that the development would have no negative impact on highway safety objectives and would accord with the aims of LP21-22.

5 – Other matters: The land is recorded as being potentially contaminated but as the proposal involves no new build or excavations this is not a concern. The proposal is not considered to raise any further material planning issues.

6 – Representations: No representations have been made.

7. 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: 2019/92637

Officer Recommendation: CONDITIONAL FULL 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.

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, and to accord with Policy LP24 of the Kirklees Local Plan and Policies in the National Planning Policy Framework.

3. The premises shall not be used for MOT testing outside the times of 07:30 to 18:00 Monday to Saturdays. No activities shall take place on Sundays or Bank Holidays
Reason: In the interests of residential amenity and to accord with Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			15-Aug-2019
Location plan			15-Aug-2019

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 did not request any amended plans or additional information as these were not considered necessary.

Report Dated: 08-Oct-2019