
Report of the Head of Planning and Development**CHIEF EXECUTIVE EMERGENCY POWERS
(Under Constitution at Article 12 (1) (d))****Date: 18-May-2020****Subject: Planning Application 2019/93725 Removal of existing single storey trade counter building and erection of single storey trade counter building
Myers Building Supplies, Station Yard, Wood Lane, Denby Dale, Huddersfield, HD8 8QE****APPLICANT**

J Berry

DATE VALID

06-Jan-2020

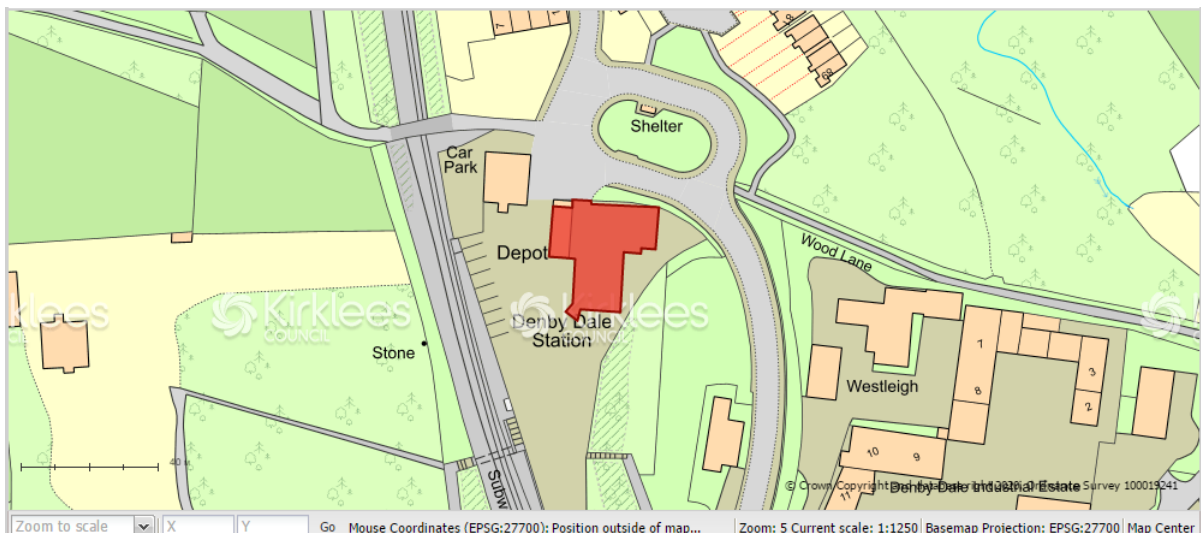
TARGET DATE

02-Mar-2020

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN

Map not to scale – for identification purposes only

Electoral wards affected: Denby Dale

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION:

Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

Background

- 1.1 In response to Coronavirus Covid 19, the Chief Executive has invoked Emergency Powers under the Constitution at Article 12 (1) (d) and nominates and empowers the Strategic Director Economy and Infrastructure, in consultation with the Chair of Strategic Planning Committee, to determine planning applications that would otherwise have been decided at a meeting of the relevant committee.

Reason this application is put forward for determination using the Chief Executive's emergency powers

- 1.2 The proposed replacement trade counter building will replace an existing modular building which is considered by the applicant to be no longer fit for purpose. The proposed replacement trade counter will serve an established existing business and allow them to continue to trade efficiently and ensure longevity for the business at this location which supplies building materials to local trades people and construction businesses. The proposed development will also create job opportunities within the building and construction industries.
- 1.3 Ward Member comments in relation to the application being determined under the Chief Executive Emergency Powers are as follows:

Cllr Graham Turner – ‘... I have no problem with this at all’

Cllr Michael Watson – ‘I have nothing to say at this stage - is there anything particularly controversial about this application?’

SUMMARY OF THE ASSESSMENT

- 1.4 The principle of the erection of a replacement trade counter to serve the established business use is considered to be acceptable. Although the application site is allocated for housing, the proposed development would not be considered to impact on the future use of the site for housing should an acceptable application be submitted.

- 1.5 Furthermore, the proposals are considered acceptable from a visual and residential amenity perspective, as well as highway safety. In addition, subject to the imposition of relevant conditions, the proposals are also considered acceptable in regard to the impact on trees as well as ground conditions.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site measures 637 square metres and is made up as part of a wider site which is currently used by Myers Building Supplies as a builders merchants. The site is triangular in shape and set over two levels with entrance via Wood Lane to the North. There is an area of woodland to the East and West of the site. The Denby Dale train platform runs along the Eastern boundary of the wider site.
- 2.2 To the North West of the entrance is a single storey stone built building which is in use by the builder's merchants to store materials. There is also a modular building with ramp access to the East of the entrance which is used as a sales counter and office space which is considered to be in a poor state of repair. Along the borders of the remaining site are steel shelves which are used for the storage of building materials.
- 2.3 The site is allocated for housing (HS146 – Density of 19 dwellings) within the Kirklees Local Plan.

3.0 PROPOSAL:

- 3.1 The application is sought for the removal of an existing single storey trade counter and the erection of a single storey trade counter building.
- 3.2 The proposed single storey building will be located on the lower level of the site to the North East of the site at a width of 18m and depth of 12m. Due to the gradient of the site, the height of the building will be 3.3m to the West, extending to 4m to the East. The building will be accessed via a ramp to the South elevation.
- 3.3 The building will be constructed from plastisol steel coating cladding panels in grey with aluminium fascias and concrete block work base.
- 3.4 The site will be accessed via an existing access to the North and will provide off-street parking for 6 no. vehicles.

4.0 RELEVANT PLANNING HISTORY:

No planning history for the application site

Relevant neighbouring applications

2018/91082	Erection of 3 detached dwellings with associated access and landscaping At land adj, Wood Lane, Denby Dale, Huddersfield Conditional Full Permission
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5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The officer provided feedback to the agent on the submitted proposal when all consultation responses were received. Following feedback from K.C Highways, amended plans were submitted showing a revised red line boundary in order to provide adequate space for vehicle manoeuvres within the site. The amended red line plan was re-advertised for public consultation.

6.0 PLANNING POLICY:

- 6.1 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 allocated for housing (HS146 – Density of 19 dwellings) within the Kirklees Local Plan.

- 6.2 Kirklees Local Plan (LP)

LP 1 – Sustainable Development
LP 11 – Housing mix and affordable housing
LP 21 – Highway Safety and Access
LP 22 – Parking
LP 24 – Design
LP 51 - Protection and improvement of local air quality
LP 33 - Trees
LP 35 – Contaminated land

- 6.3 National Planning Policy Framework (NPPF):

Chapter 5 – Achieving a sufficient supply of homes

Chapter 12 – Achieving well-designed places

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

- 6.4 Supplementary Planning Guidance/documents

- Highways Design Guide Supplementary Planning Document
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance.
- Planning Practice Guidance

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application has been advertised by means of neighbour notification letter, site notice and advertisement.

- 7.2 No representations have been received throughout the period of public consultation.

- 7.3 **Denby Dale Parish Council:** No objection

8.0 CONSULTATION RESPONSES:

8.1 The following is a brief summary of consultee advice (more details are contained within the assessment section of the report, where appropriate):

8.2 Statutory Consultees:

K.C Environmental Health – No objection to the proposal subject to the addition of a condition to secure electric charging points in accordance with the National Planning Policy Framework and Air Quality & Emissions Technical Planning Guidance from the West Yorkshire Low Emissions Strategy Group.

The Coal Authority – No objection subject to the addition of an advisory footnote.

K.C Highways Development Management – No objection.

K. C Policy – No objection.

8.3 Non-statutory Consultees:

K.C Trees – No objection subject to the addition of a condition for the submission of details of any additional tree works required during the construction process to be submitted to the Local Planning Authority.

9.0 MAIN ISSUES

- Principle of development
- Visual amenity/local character
- Residential amenity
- Highway issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 Policy LP1 of the Kirklees Local Plan (KLP) states that the Council will take a positive approach that reflects the presumptions in favour of sustainable development contained within the National Planning Policy Framework to secure development that improves the economic, social and environmental conditions in the area. Proposals that accord with policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise.
- 10.2 The Kirklees Local Plan sets out allocated sites for housing which have been selected based on a site allocations methodology. The application site makes up a wider site which is allocated for housing within the Local Plan (HS146 – Density of 19 dwellings).

- 10.3 The proposed replacement building (although larger in scale and in a different location within the site) will be used for the continuation of an existing business use of the site and takes up a small proportion of the wider site. The proposed building will be on land which is currently used for the storage of building materials. It is considered that the proposed building would allow for the continuation of the established business use and would not prejudice the land coming forward for housing in the future should a policy compliant application be submitted.
- 10.4 Policy LP24 of the KLP is relevant in that it states that proposals should promote good design in accordance with a specific set of considerations. All the considerations are addressed within the assessment. Subject to these not being prejudiced, this aspect of the proposal would be considered acceptable in principle.

Impact on visual amenity

- 10.5 Policy LP24 of the KLP states that good design should be at the core of all proposals. Proposals should incorporate good design by ensuring that the form, scale, layout and details of all development respects and enhances the character of the townscape and landscape. This is supported by the National Planning Policy Framework (NPPF) which sets out that, amongst other things, decisions should ensure that developments are sympathetic to local character while not preventing or discouraging appropriate innovation or change (para.127 of the NPPF).
- 10.6 The proposed building will replace an existing modular building which is considered by the applicant to be no longer fit for purpose.
- 10.7 The proposed rectangular building will be located to the East of the site on part of the site which is currently used for the outdoor storage of building materials. The site is enclosed via palisade fence.
- 10.8 The proposed building will be single storey in height and predominantly screened from Wood Lane to the North by trees and planting. The character of the site is one which is industrial in nature and non-uniform, as such, the proposed modular style building is considered to be in keeping with the site and not look out of keeping.
- 10.9 In summary, Officer's would not consider there to be undue harm to the visual amenity enjoyed by neighbouring occupiers. As such, the application is considered to comply with policies LP1 and LP24 of the Kirklees Local Plan and guidance contained within chapters 12 of the NPPF.

Impact on residential amenity

- 10.10 A core planning principle set out in the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. Policy LP24 of the KLP states that proposals should promote good design by ensuring that they provide high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings.

- 10.11 The closest neighbouring dwellings to the site are 3 no. two storey, detached dwellings approved under application 2018/91082 which are located to the South East of the site.
- 10.12 There is a proposed separation distance of 17m between the approved plot 1 and the proposed building which will be located on a higher land level. The sites are however, separated by a thick border of mature trees which are protected by Tree Preservation Order (12/16/w1) and offer significant screening to ensure that there would be no impact on the residential amenity of the future occupiers. It is noted that work has not yet commenced on site for the approved dwellings.
- 10.13 In summary, Officer's consider that the proposed building would not impact on the residential amenity enjoyed by occupiers of the approved neighbouring properties and future occupiers of the site. As such, the application is considered to comply with Policies LP1 and LP24 of the Kirklees Local Plan and guidance contained within Chapter 12 of the NPPF.

Highway Safety

- 10.14 The application seeks approval for the removal of an existing trade counter building and the erection of a single storey trade counter building at Myers Building Supplies, Station Yard, Denby Dale.
- 10.15 The proposal is for a building which is larger in scale to that of the existing building. The proposal includes improvements to the off-street parking provision by creating 6 no. van parking spaces on an area of existing hard standing. Whilst the proposed entrance to the site is existing, it is currently not used by vehicles due to the layout of the stock and materials on the site.
- 10.16 The site is directly adjacent to Denby Dale Train Station (West), and whilst few tradespeople would be likely to use public transport to visit the trade counter, it is well served by public transport. Additional off-street parking is also available within the railway station car park.
- 10.17 The proposed development is considered to improve the off-street parking provision at the site. The proposal is therefore considered to be acceptable from a highway safety and efficiency perspective, in accordance with Policies LP21 and LP22 of the KLP.

Other Matters

Climate Change

- 10.18 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

- 10.19 This application has been assessed taking into account the requirements summarised and provides opportunity for development that is considered to meet the dimensions of sustainable development. Furthermore, the inclusion of a condition relating to the provision of electric vehicle charging point(s) would contribute positively to the aims of climate change.

Contaminated land and Coal Mining Legacy

- 10.20 The application site has been identified on the mapping system as potentially contaminated land due to its use as a works and proximity to a landfill site. As a result, Environmental Health Officers recommended conditions to be added for the submission of ground work investigations to assess the site.
- 10.21 The site is also located within an area defined as development high risk due to historic coal mining features.
- 10.22 The applicant submitted a Desktop foundation assessment (8334-BOW-A0-ZZ-RP-A-0000 dated 9th December 2019). The report states that the trade counter building will be constructed off-site and founded on concrete hard standing with localised foundations constructed off the hard standing using concrete flags to take into account the variations to the ground level. An alternative would be to use a recycled plastic pad. Both of the options are non-intrusive and do not require extensive digging of the site.
- 10.23 The current use of the site as a building merchants with a concrete hard standing would be deemed suitable founding for the proposed building. Officers consider that the submitted construction details are acceptable to avoid the need for site investigation work conditions to be added. A condition would however be added to ensure that should any groundworks be necessary, investigative reports are submitted.

Trees

- 10.24 The application site is adjacent to a woodland of mature trees to the East which are protected by Tree preservation order (12/16/w1). The proposal would not be considered by Officers to have a detrimental impact on the adjacent woodland. However, Officers consider that it is important to include a condition to secure details of any additional tree work required during the construction process to be submitted and approved by the LPA in order to apply additional protection and control.

Representations

- 10.25 No representations were submitted relating to the planning application throughout the period of public consultation.
- 10.26 There are no other matters considered relevant to the determination of this application.

11.0 CONCLUSION

- 11.1 Taking all material considerations into account, for the reasons outlined above, the principle of erection of a replacement trade counter to serve the established business use would be acceptable. Although the application site is allocated for housing, the proposed development would not be considered to impact on the future use of the site for housing should an acceptable application be submitted. The proposal is considered to be in line with guidance within LP24 and LP21 of the Kirklees Local Plan and Chapter 12 of the NPPF.
- 11.2 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.
- 11.3 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.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

1. Standard 3- year timeframe for commencement of development
2. Development to be completed in accordance with the submitted plans and specifications
3. Details of any additional tree work to be submitted and approved in writing prior to the work being carried out.
4. If groundworks to take place a phase 1 report, along with subsequent reports (if necessary) to be submitted
5. Provision of Electrical Vehicle Charging Points

Link to the application details:-

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f93725>

2018/91082

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2F91082>

Certificate A signed and dated 07.11.2019