

**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: 2020/62/90728/W

Site Address: Land at, Queen Street South, Huddersfield

Description: Continuation of existing car park operation for a further temporary period of 3 years

Recommending Officer: Nick Hirst

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: 27-May-2020

Application: 2020/62/90728/W

Site: Land at, Queen Street South, Huddersfield

Proposal: Continuation of existing car park operation for a further temporary period of 3 years

Site Description

The site comprises a surfaced car park located to the south of the University's Queensgate campus, and adjacent to the University's Queen Street Studio building. This is the former garage site but has been used for car parking since circa 2012, utilising temporary planning permissions.

The site is bounded to the north by the University's Queen Street. To the east and south is the Huddersfield Narrow Canal and to the west by Queen Street South, which hosts several industrial buildings. Immediately adjacent to the southern boundary of the site are two listed structures; Lock No. 2 on the Huddersfield Narrow Canal, and the bridge which takes Queen Street South. To the south of the canal is the grade II Priestroyd Mills, known as the Melting Point apartments.

Description of Proposal

Retention of the site as a car park, for a further 3 years.

The site has 108 parking spaces. No alterations are proposed as part of the application.

Relevant Planning History

Application Site

2012/92398: Formation of new car park – Conditional Full Permission

2016/91084: Formation of temporary car park (3-year period) for University use – Temporary Conditional Permission

Surrounding Area

Queen Street South Annexe

2019/91341: Internal and external refurbishment and alterations – Conditional Full Permission

Bath House

2018/93402: Change of use of bath house building to university gallery, exhibition centre and cafe with associated landscaping (Listed Building) – Conditional Full Permission

University of Huddersfield

2017/92235: Erection of new education building with the associated landscaping – Conditional Full Permission

History of Negotiations

None undertaken.

Representations

Final publicity date expired: 22.05.2020

None received.

Consultation Responses

K.C. Conservation and Design: No objection. No conditions requested.

K.C. Environmental Health: No objection. No conditions requested.

K.C. Highways: No objection. No conditions requested.

K.C. Lead Local Flood Authority: No objection. No conditions requested.

The Canal and Rivers Trust: No objection. No conditions requested.

Planning Policy

Kirklees Local Plan (KLP)

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 Unallocated on the LP Policies Map.

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP17** – Huddersfield Town Centre
- **LP21** – Highway safety and access
- **LP24** – Design
- **LP27** – Flood Risk

- **LP28** – Drainage
- **LP30** – Biodiversity and geodiversity
- **LP35** – Historic environment
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of local 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 19th February 2019, and 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 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 12** – Achieving well-designed places
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment
- **Chapter 16** – Conserving and enhancing the historic environment

Other

- Kirklees Local Plan Supplementary Planning Document – Highways Design Guide

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

1 – Principle of development

Considering the planning history, the principle of a car park use has been established. However, an assessment is required as to whether any policy changes or factors in the local environment would impact upon the established principle.

Since the last application on site (2016/91084) the Local Plan has replaced the UDP and the NPPF2019 the NPP2012. Nonetheless, officers are satisfied that these policy changes do not adversely affect the established principle of development. Conversely, the local plan continues to establish a general principle of support for development at the University of Huddersfield.

Turning to the local environment, officers are satisfied that there are no changes in the immediate area that would impact upon the previously established principle (i.e. new buildings or uses adjacent to the site). Considering the wider context, the University has continued to expand, such as through the erection of the Barbara Hepworth Building (north-east of the site) but this is a sufficient distance to not impact upon the application site.

Concluding, officers are satisfied that the principle of development for retaining the site as a car park is acceptable. Consideration to the local impact, including assessments against new policy, is required, outlined below.

2 – Impact on visual amenity, including the historic environment

The southern part of the site faces onto the Huddersfield Broad Canal, close to the Grade II listed 19th century bridge that spans across the water and a nearby Grade II listed lock. On the other side of the canal are a number of Grade II listed mill buildings, including Priestroyd Mill and Commercial Mill.

Section 66 of Planning (Listed Buildings & Conservation Areas) Act 1990 introduces a general duty in respect of listed buildings. In considering whether to grant planning permission for development which affects a listed building or it's setting the LPA should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Notwithstanding the above, no new physical works are proposed, with the application simply seeking to extend the site's use for a further 3 years. The following is the assessment undertaken within application 2016/91084;

It is proposed the existing car park would be surfaced with tarmacadam, with concrete kerb edgings and drainage. To the external perimeter of the site it is proposed to erect a 1.8 metre high bar and rail fence, and within the site it is proposed to erect 450mm high timber post and rail fencing. The initial proposal was for a palisade fence along the perimeter of the site however it was considered that this would have created an imposing frontage to Queen Street South that would not have been visually attractive. As a fence was required for security measures, it was agreed that this could be a bar and rail fence, as shown on the revised plans. This revised boundary treatment is considered to be more sympathetic from a visual amenity perspective.

To summarise, it is considered the proposal would not harm the setting of the nearby heritage assets and Conservation and Design raise no

objections. There would be no detrimental impact on visual amenity and the proposal would accord with policies D2, BE1, BE2, BE23 and the NPPF requiring good design, and conserving and enhancing the historic environment.

Officers concur with the above assessment. Changes to local and national policy do not impact upon the above assessment and there have been no material change in local circumstances which would invalidate the above comments. K.C. Conservation and Design concur that the proposal would not cause harm to the identified heritage assets. As no harm would be caused, demonstrating public benefits is not necessary.

The proposal would comply with the aims and objectives of LP24 and LP35 of the KLP, Chapters 12 and 16 of the NPP and S66 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

3 – Impact on residential amenity

No new physical works are proposed, preventing concerns of overbearing or overshadowing.

There are residential flats to the south and east (across the canal). Car parks have the potential to cause overlooking and noise pollution. However, the site has operated for in excess of 6 years. No representations have been received in objection to the proposal and K.C. Environmental Health raise no concerns.

Given the above, officers are satisfied that the proposal would not harm the amenity of neighbouring residents, in accordance with LP24 and LP52.

4 – Impact on highway safety

K.C. Highways DM have provided the following assessment;

This application seeks approval for the continuation of an existing car park operation for a further temporary period of three years at Queen Street South, Huddersfield.

This application proposes to maintain a replacement car parking on Queensgate Campus accessed from Queen Street South for 108 car parking spaces to help facilitate the redevelopment of Queensgate Campus by ensuring that the level of car parking at the campus is retained at 690 spaces. The proposed car park mainly replaced the existing car parking spaces within the current Harold Wilson Building car park and a proportion of the recently removed Technology Building Car Park.

The original scheme was granted temporary permission as application no. 2016/91084. A similar application (ref: 2012/44/93093) for 113 parking spaces was also approved in October 2012.

Given this application is simply to extend the length of time the existing facility remains open, Highways DM has no wish to raise objection to the scheme so long as the conditions previously applied have been adhered to.

No additional conditions are deemed necessary

It is noted that various conditions relating to highway safety on the former application (2016/91084), such as the car parking being marked out and a former southern access being closed off, have been complied with. As the work has been done, it is not necessary to repeat these conditions.

Officers concur with the above assessment and are satisfied that the proposal would not harm the safe and efficient operation of the highway, in accordance with LP21.

5 – Other matters

5.1 – Air quality

In accordance with government guidance on air quality mitigation, outlined within the NPPG and Chapter 15 of the NPPF, and local policy contained within LP24 and LP51 and the West Yorkshire Low Emission Strategy Planning Guidance seeks to mitigate Air Quality harm. Given the scale and nature of the development officers seek the provision of electric vehicle charging points, one per dwelling, on new development that includes car parking. The purpose of this is to promote modes of transport with low impact on air quality.

The site hosts two charging points. These were provided as part of a previous campus wide travel plan and considered acceptable in the previous application. This is below the modern expectation of 10% of new parking spaces to provide electric vehicle charging points. Nonetheless, given the site-specific circumstances; having already been approved and the application seeking a temporary permission, officers consider this reasonable. It is noted that E.V. Health have not requested additional charging points.

5.2 – Climate change

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.

Given the nature of the proposal, seeking to retain an existing car park for a temporary period of time, officers are satisfied that the proposal would not harm the climate change agenda.

5.3 – Flood Risk and proximity to the Huddersfield Canal.

The site partly falls within Flood Zone 2. The applicant has provided the FRA from the previous application. This has been reviewed by the LLFA, who've stated;

As there is no increased risk to the site in relation to this application, the LLFA would have no comments

Officers concur that the continued use of the site, which was subject to an FRA and drainage strategy formally, will not increase risk.

Due to the site's proximity to the Huddersfield Canal, the Canal and Rivers Trust were a statutory consultee. They were consulted and confirmed they have no objection to the proposal.

5.4 – Impact on local ecology

The adjacent canal corridor is part of the designated Wildlife Habitat Network.

As the proposal seeks to continue the previously approved use, with no new physical works proposed, officers are satisfied that there would be no detrimental impact upon local ecology. The proposal is deemed to comply with the aims of LP30.

5.5 – Contaminated land

The previous permission on site included a condition for 'unexpected contamination'. As the site has now been developed, with no new building works, such a condition is not considered necessary.

6 – Representations

No public representations were received.

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: Approve

Application Number: 2020/90728

Decision Authorisation: Delegated Powers

Officer Recommendation: Grant Temporary Permission

Conditions and Reasons

1. This permission hereby granted shall expire on (*insert three years from the date of the permission*). On expiry of this period the car park shall be removed and the site shall be restored in accordance with a scheme of work which shall be submitted to the Local Planning Authority not later than six months before the expiry date of this permission. The scheme of works shall not be implemented until the Local Planning Authority has given its written approval. Thereafter the works comprising the approved scheme shall be completed within six months of the date of their approval.

Reason: Pursuant to 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, and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	TP001		04.03.2020
Proposed Site Plan	TP03	Rev. B	04.03.2020
Flood Risk Assessment	Location Plan		04.03.2020
Flood Risk Assessment	2563/FRA_Final V1.0		04.03.2020
Flood Risk Assessment	Letter dated 16.01.2014		04.03.2020

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 Planning 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.

No negotiations were required as the plans as originally submitted were deemed acceptable.

Report Dated: 26.05.2020