

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS -
REGULATION 3 TOWN AND COUNTRY PLANNING GENERAL
REGULATIONS 1992 (AS AMENDED)**

Reference No: 2021/48/93847/W

Site Address: Red Doles Building, Red Doles Lane, Huddersfield,
HD2 1YF

Description: Erection of building to store and charge mobility aids
with 2 additional disabled parking spaces

Recommending Officer: Tom Hunt

DECISION - Granted Under Regulation 3

**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: 30-Nov-2021

Officer Report

Site Description

2021/93847 – Red Doles Building, Red Doles Lane, Huddersfield, HD2 1YF

The site is a commercial/industrial building which is served by large car parks to its southwest and southeast with some landscaping and a mix of dark green and grey metal fencing to its boundaries. The central building is constructed of corrugated grey cladding and flat roofed. There are containers and a detached outbuilding to the southwest constructed of metal. It is set within Red Doles Industrial Estate serving similar purposes.

The site is within a Priority Employment Area (PEA14) and is within Flood Zone 2. It is not within a Conservation Area, not a Listed Building or affecting the setting of, and not Green Belt land. It is adjacent to a PROW Byway (HUD/56/10). Permitted Development Rights are retained.

Description of Proposal

Erection of building to store and charge mobility aids with 2 additional disabled parking spaces

The application site within the wider site is to the southwest border of its central building adjacent to the neighbouring Textile House also in commercial industrial use.

The application seeks planning permission to erect a detached single storey outbuilding measured at 5m depth and 3.54m width with a pitched roof ridge height of 2.6m and eaves at 2.1m from ground level. It would have a mid-grey motorised roller shutter garage door facing its host building and one non-glazed, steel door to its southeast elevation facing the highway. No other openings to elevations proposed. It would be finished in steel box profile cladding in light grey to match the host building including the roof. This would serve to house and store mobility aids to be charged.

To its southeast, it proposes to have two disabled parking spaces marked out and compliant with the Kirklees Highways Design Guide and hardsurfacing. Overall the site itself would be 11.09m width and 6.25m depth including the detached building and add two new disabled parking spaces.

To the southwest boundary, it would have two metal parking barriers and a drainage channel terminated with swale inlets to adjacent soft landscaping.

History of negotiations/amendments received

The case officer considered the application on review and sought no amendments as it met LP policies on visual amenity.

Relevant Planning History

No relevant previous planning applications for this site.

Representations

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters which expired on: 17/11/2021

A Site Notice was not required for the PROW as the proposal is set within a large site and no impact to the PROW would be expected.

No representations have been received.

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. Further covered in Highways Assessment.
- Local Lead Flood Authority – Refer to standing advice.

KC Environmental Health was not consulted following assessment of the proposed development being under the minimum development size necessary for consultation. Site is within a Historic Landfill, Landfill Gas Buffer Zone and Hazardous Materials Site. A condition has been placed should there be any discovery of hazardous concern during development and on Electric Vehicle Charging Point.

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 LP Policies Map. It is within a Low Coal Risk area and bordering a Bat Alert layer.

Kirklees Local Plan (LP):

- **LP 1 – Achieving sustainable development**
- **LP 2 – Place shaping**
- **LP3 – Location of new development**
- **LP8 – Safeguarding employment land and premises**
- **LP 21 – Highway and access**
- **LP 24 – Design**
- **LP 27 – Flood Risk**

- **LP 53 – Contaminated and unstable 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 20th July 2021, 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 6** – Building a strong, competitive economy
- **Chapter 11** – Making effective use of land
- **Chapter 12** – Achieving well-designed places
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change

Assessment

The following matters are considered in the assessment below –

- 1) Principle of Sustainable 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

1 – Principle of Sustainable Development:

1.1– Sustainable Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

1.2 – Land allocation (Priority Employment Area)

The site falls within a Priority Employment Area. The proposed development is considered ancillary to an employment generating use. When considering development of employment generating uses in a PEA, LP8 states:

1. Proposals for development or re-development for employment generating uses (as defined in the Glossary) in Priority Employment Areas will be supported where there is no conflict with the established employment uses (as defined in the Glossary) in the area. In instances where the site is out of centre and the proposal includes main town centre uses then policy LP13 will need to be applied

The proposal will enhance the function and accessibility of the business use, which is welcomed. The proposed structure is small and well separated from neighbouring businesses. Officers are satisfied that there would be no conflict with neighbouring employment uses. The proposal has no interaction with LP13. The proposal complies with LP8.

Chapter 6 of the NPPF establishes a general principle in favour of economic development. This is subject to not conflicting with other material planning considerations. Nonetheless Chapter 6 adds weight in favour of the proposal and the principle of development is considered acceptable. Consideration must be given to the local impact, outlined below.

2 –Impact on visual amenity:

While located to the southwest boundary of the site, it would be screened by hedging and green growth and the small outbuilding would be seen in the context of the substantially larger building being subservient in scale and design. It is of a small footprint and is of 2.6m in height. Neighbouring buildings are faced in mixed materials, including metal cladding: The proposed is to be faced in mid grey metal cladding to similarly match the nearby host building, a high-quality material which is not opposed. Red Doles Industrial Estate is a commercial area hosting numerous large and small commercial buildings. The proposed utilitarian building will not appear incongruous within this setting, nor will the disabled parking spaces and its ancillary small building to store and charge mobility aids. The proposed structure would not appear out of place within the established built environment, in accordance with LP24.

The proposal would be set back from the highway within the site and would be effectively hidden from view. As such, the impact of the proposal on the host buildings and the wider area is considered acceptable from a visual amenity perspective in this case, complying with Policy LP24 of the KLP and the aims of chapter 12 of the NPPF.

3 – Impact on residential amenity:

The lift shaft would be set back from the highway and will neither distract passing drivers nor interfere with established sightlines. The proposal would increase the capability of the site to offer dedicated disabled parking. The proposal complies with LP21.

The site is located within a predominantly commercial area, between two buildings, and away from the nearest residential properties to the south and southeast. As such, the proposal would have no impact on residential amenity, complying with Policy LP24 of the KLP and Paragraph 130 (f) of the NPPF.

4 – Impact on highway safety:

Turning to highway safety, Policies LP21 and 22 of the Local Plan have been considered along with the KC Highway Design guide. The policies seek to ensure that new developments have an acceptable impact on highway safety and provide sufficient parking. The HDM Officer had no objections stating that the disabled parking spaces have been presented with the correct dimensions of 2.4 x 4.8m with a 1.2m gap to the side and rear and the existing access from Red Doles Lane will be used for the additional spaces. There is a sufficient distance to the rear of the parking spaces to allow a vehicle to manoeuvre so the proposed development would not adversely affect the existing parking spaces within the site, intensify use and therefore would not cause additional harm to highway safety. Conditions are placed to ensure effective drainage and highway safety and to supply an Electric Vehicle Charging Point for the use of the two new parking spaces created for the purposes of supporting sustainable transport, reduced carbon emissions and increased electric vehicle use.

5 – Other matters:

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.

Due to the limited nature of the development proposed, it is not considered necessary to require any mitigation measures.

Biodiversity

Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

Flood Risk

The site have been identified as being located within Flood Zone 2 on the Environmental Agency's Flood Map for Planning and within Flood Zone 2 and 3a in Kirklees Council's flood maps. The proposed detached outbuilding would be located within this area on part tarmacked ground adjacent to the existing car park by a pre-existing established access/egress route. The footprint of the outbuilding at around 18 square metres means that it falls under the definition for minor development for the Environment Agency's consultation matrix and therefore it was not necessary to consult them on this application.

The Lead Local Flood Authority have referred to standing advice. The location of the development is considered to be most appropriate and logical position for the development as this is adjacent to the main entrance of the building allowing sufficient clearance for parking and easy disabled access and there are no other opportunities to reposition it in an area of lower flood risk. It would have all electrical fixtures and fittings positioned a minimum of 0.6m above finished floor level and a SUDS drainage channel to reduce and accommodate expected peak fall increases provided by the EA.

With regards to an evacuation route, the site has a long history and awareness of its position within the flood zone and whilst no plan has been submitted, given the limited size of the development and the fact that it serves an existing commercial building, it is not considered necessary to provide such a plan. A note advising that the applicant to sign up to the Environment Agencies Flood Line will be attached to the decision notice. Taking this into consideration, no additional information was sought, and the proposal is considered to comply with Policy LP27 of the KLP.

Contaminated Land

The site has been identified as being located on land which is potentially contaminated due to a former use. The scale of the proposed development did not meet the expected minimum for consultation and therefore a condition relating to the reporting of unexpected contamination has been suggested to accord with Policy LP53 of the KLP.

Access Considerations

The proposed disabled parking spaces and building to store/charge mobility aids would add improved accessibility which would be regarded as beneficial to the aims of the Local Plan seeking to improve access for the needs of the local community. As such, this proposal would be positively viewed on improving access.

6 – Representations:

No representations had been 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

Decision Authorisation - Delegated Powers

Application Number: 2021/93847

Officer Recommendation: Approve

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 Policy LP24 of the Kirklees Local Plan.

3. The development shall not be brought into use until all areas indicated to be used for parking on the submitted plans have been marked out, and laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agencies '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 use(s) specified on the submitted plans.

Reason: To ensure that sufficient parking is provided for the site and to accord with Policies LP21 and LP22 of the Kirklees Local Plan.

4. In the event that land contamination or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days.

Groundworks in the affected area shall not recommence until either

- (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or
- (b) the Local Planning Authority has confirmed in writing that remediation measures are not required.

The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 184 and 185 of the National Planning Policy Framework.

NOTE: The applicant is advised to sign up to the Environment Agency's Flood Warning Line at <https://www.gov.uk/sign-up-for-flood-warnings> prior to the development being brought into use.

NOTE: The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Plans – Location Plan	Location & Block Plans. Reference No. IH/21/RDB01. Drawing No. EX01. Revision:-.	-	11/10/2021
Plans – Proposed Site/Block Plan	Site Plan. Reference No. IH/21/RDB03. Drawing No. -. Revision: -.	-	11/10/2021
Plans - Grouped Plans and Elevations	Proposed Mobility Aid Charging Shelter and Parking. Reference No. IH/21/RDB02. Drawing No. EX01. Revision: -.	-	04/10/2021

Plan Type	Reference	Version	Date Received
Supp Info – Flood Risk Assessment	Flood Map for Planning. Environment Agency. Reference: KC1. Location: 415384/418197.	-	04/10/2021
Supp Info – Flood Risk Assessment	Flood Risk Assessment. Kirklees Council Economy & Skills.	-	04/10/2021
Supp Info – Flood Risk Assessment	Flood Warning Service Search Surface Water Risk Map	-	04/10/2021
Supp Info – Flood Risk Assessment	Flood warning service search result.	-	04/10/2021

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 considered the application on review and sought no amendments as it met Local Plan policies on visual and residential amenity.

Report Dated: 30/11/2021