Kirklees COUNCIL

Originator: John Holmes

Tel: 01484 221000

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 08-Jun-2023

Subject: Planning Application 2022/92097 Erection of two storey extension and alterations The Veterinary Hospital, 131, Somerset Road, Almondbury, Huddersfield, HD5 8HN

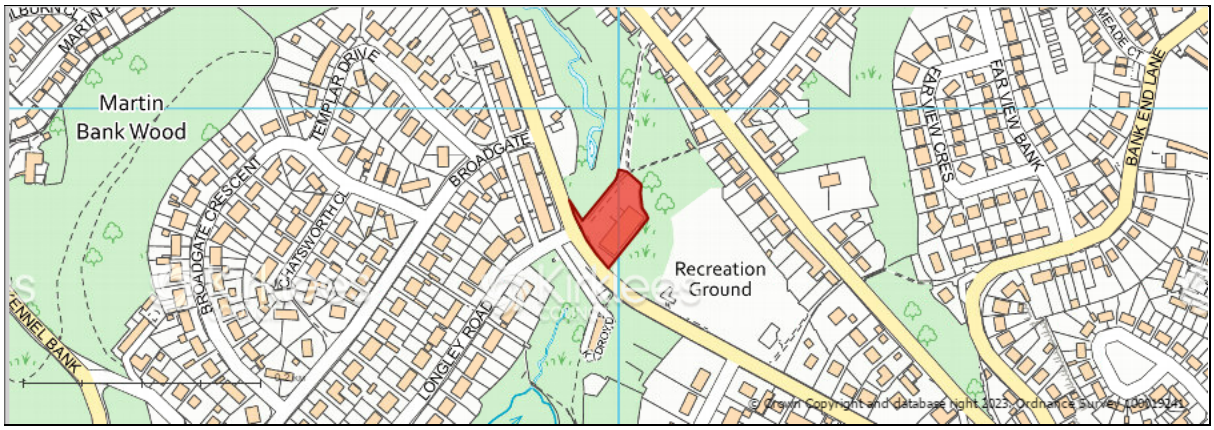
APPLICANT
Donaldson's Vets Ltd

DATE VALID	TARGET DATE	EXTENSION EXPIRY DATE
23-Jun-2022	18-Aug-2022	07-Oct-2022

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

Public speaking at committee link

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Almondbury ward (and site is opposite Newsome ward)

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 and to secure a Section 106 agreement to cover the following matters:

1. Financial contribution towards a Traffic Regulation Order to restrict on-street parking.

In the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION:

1.1 This report relates to the erection of a two-storey side extension including associated alterations. The proposal would form an open sided ground floor and allow for internal alterations to the existing building to enable the formation of further consulting rooms.

1.2 The site partially falls within an area of Urban Green Space. In addition, there are requests the application be determined by the planning committee from Councillors Cooper and McGuin.

2.0 SITE AND SURROUNDINGS:

2.1 The application site relates to an existing veterinary practice which has recently been constructed. The building is of a stone construction with sections of dark grey panelling, and glazing within dark grey window frames. The roof is constructed from dark grey slates.

2.2 The building is of a relatively modern design with an open layout of the site to the southwestern boundary, and a mix of low-level shrubs / planting and mature trees adjacent to this boundary.

2.3 The boundary to the northwest of the site is adjacent to a public right of way (HUD/115/20). This runs to the north and east of the site. A low-level boundary treatment is in place along with shrubs and trees. The car park is to the front of the building (to the northwestern half of the site) with the building occupying the southeastern half.

2.4 Dark green weld mesh fencing exists to the northeastern and southeastern boundary with landscaping including shrubs and trees beyond. A footpath is also adjacent to the northeastern boundary providing access within an area of Urban Green Space.

2.5 The Urban Green Space is land to the southeast and northwest of the site and is an established recreation ground (Kidroyd) that is identified within the Kirklees Local Plan.

3.0 PROPOSAL:

3.1 The applicant seeks planning permission for a two-storey side extension which would be open sided at the ground floor. The proposal would have a footprint of 59sqm and would be of a parapet flat roof design. The extension would have a height of 6.2m and would be constructed from a mix of wall cladding materials, with the submitted plans showing zinc and timber which would be of a dark grey colour finish. The proposal features a projecting window to the front (northwestern) elevation.

3.2 In addition to the submitted plans / application form the following has also been submitted to accompany the application:-

- Travel Plan, dated April 2023
- Design and Access Statement (ref: R1066 451)
- Highways Technical Note, dated September 2021
- Highways Technical Note, dated October 2022

3.3 The submitted detail sets out that the proposed development would increase the consulting rooms upon the site from six to 10, and these would be used by the existing staff rather than by increasing staff numbers.

4.0 RELEVANT PLANNING HISTORY:

4.1 The most relevant planning history relates to the grant of planning permission for the existing vets. This permission was granted in 2017 under the description of 'Erection of veterinary hospital' and granted conditional full permission on 14th June 2018.

5.0 HISTORY OF NEGOTIATIONS:

5.1 Amendments to the design of the scheme have been sought and negotiations undertaken in relation to an associated planning obligation which would require a financial contribution in the event of any grant of permission. The financial contribution would be used towards a Traffic Regulation Order in the vicinity of the site to control on street parking. The 'Proposal' section of this report sets out the specific amendments detailed within the amended plans which were received on 13th March 2023.

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).

6.2 Part of the extension falls within Urban Green Space as identified within the Kirklees Local Plan. The site is also within an area with a known presence of bats and is within an area at low risk of ground movement as a result of former mining activity, as identified by the Coal Authority. The site is identified as potentially contaminated due to former use as landfill.

6.3 In relation to local and national planning policy, the following is considered relevant in the consideration of this application: -

Kirklees Local Plan (2019):

LP1 Achieving Sustainable Development
LP2 Place Shaping
LP7 Efficient and effective use of land and buildings
LP21 Highways and Access
LP22 Parking Provision
LP24 Design
LP27 Flood risk
LP28 Drainage
LP30 Biodiversity and Geodiversity
LP33 Trees
LP51 Protection and Improvement of Local Air Quality
LP52 Protection and Improvement of Environmental Quality
LP53 Contaminated and unstable land
LP61 Urban Green Space

Supplementary Planning Guidance / Documents:

Kirklees Highway Design Guide (adopted November 2019)
Biodiversity Net Gain Technical Advice Note

National Planning Guidance:

Chapter 2 Achieving sustainable development
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

Legislation

The Town & Country Planning Act 1990 (as amended).
The Planning and Compulsory Purchase Act 2004
Section 17 of the Crime and Disorder Act 1998 (as amended)
The Conservation of Habitats and Species Regulations 2017

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Publication of the application has been undertaken in accordance with the Council's Development Management Charter (July 2015).

7.2 The application has been publicised as a departure from the development plan and as a development affecting the setting a public right of way on the Council's website, by neighbour notification letter, site notice and by press advertisement. The expiry date of the publicity period was the 5th August 2022.

7.3 Two objections from local ward members, and a further 32 objections in addition, have been received, raising the following summarised concerns: -

- Donaldsons Staff are encouraged to use nearby streets to park.
- The parking plan of the original consent has not been followed.
- Resultant on street parking has a dangerous impact on visibility.
- HGVs struggle to navigate the roads due to the level of on street parking.
- Damage to pavements by the high level of on street parking.
- Technical Notes are inaccurate.
- No photos of the Longley Road junction or Broadgate Road junction in the Technical Notes.
- Kirklees Highways Team have not based the conclusion a Traffic Regulation Order is required on anecdotal evidence.
- Around 15 – 20 people arrive on Longley Road in uniform for the vets, park on street and walk to the vets.
- Very few cars in the locality on Sundays, suggesting the parking demand mid-week is linked to the vets.
- Cars have been parked blocking driveways.
- Monthly visit of a HGV to the vets causes problems on the highway.
- Police have been involved as well as councillors and the Highways Team in relation to the requirement of the Traffic Regulation Order.
- The October 22 Highway Note is simply a day in the life of the vets.
- Photo evidence has been provided by residents to the contrary of the October 22 Note.
- Propose resident permit parking, double yellow lines and markings to bus stops be introduced at the cost of the applicant.
- Difficult for disabled users of the highway due to on street parking.
- Parking has impaired elderly residents accessing ambulance(s).
- Photos provided showing staff parking on street.
- Impact of construction workers being able to park.
- The current parking situation has a detrimental impact to the quality of life of residents.
- Visual impact of the proposal not in keeping with the locality.
- Light spill from the site is intrusive.
- There has been hostility between staff and residents requiring the police to attend.

7.4 Whilst further information / amended plans have been submitted during the course of the application it was not considered they significantly amended the scheme from that as initially advertised such that further publicity of the application was required.

8.0 CONSULTATION RESPONSES:

8.1 Those consulted regarding the proposal and a summary in relation to their response is detailed as follows:-

KC Highways – No objection subject to condition and Section 106 agreement.

KC Designing Out Crime Officer – No objection, advises security measures be incorporated.

KC Trees – No objection.

KC Environmental Health – No objection subject to condition.

KC Ecology – No objection subject to condition.

Yorkshire Water – No response received.

KC LLFA – No response received.

KC Policy – No response received.

8.2 The response of the above listed consultees is discussed in greater detail within the 'Appraisal' section of this report.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Ecology issues
- Land quality / stability issues
- Safety and security
- Planning obligations
- Representations

10.0 APPRAISAL

Principle of development

10.1 Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in chapter 2 of the National Planning Policy Framework.

10.2 Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that "good design should be at the core of all proposals in the district".

10.3 A small section of the site is allocated as Urban Green Space, within the Kirklees Local Plan. Part of the proposed extension would fall within land which falls under this allocation. Policy LP61 of the Kirklees Local Plan sets out that proposals that result in the loss of urban green space can only be permitted where an assessment shows the open space is clearly no longer required or replacement open space is provided or the proposal is for an alternative provision to help address identified deficiencies.

10.4 The proposal does not meet the requirements of policy LP61 and would see a small part of the site which is allocated as Urban Green Space developed with the construction of a building to serve the existing vets. In the event of any approval of the development, which would constitute a departure from the development plan, material considerations would need to be identified which indicate that the plan should not be followed.

10.5 In this case weight is afforded the fact the amount of green space to be lost would be minimal (approximately 5 – 6sqm). However, that consideration alone is not considered to justify its loss. In this case weight is also afforded the fact the green space allocation is within the site of the vets which is private land and the area which falls within the allocation has been part developed with a hard surface access and construction of a retaining wall.

10.6 the part of the site which falls within the Urban Green Space allocation is not realistically usable by the public for any purpose given there is a difficulty to access this part of the site and fact it has been part developed as part of the wider development of the site for a vets.

10.7 In this case it is considered that, on the basis the proposal meets the requirements of the development plan insofar as it is relevant to the consideration of this application (discussed within the following sections of this report) it is considered material considerations are present which indicate that a departure from the development plan is a reasonable and acceptable approach for the Council to undertake in this case.

10.8 Having regard to policies LP1, LP2, LP24 and LP61 of the Kirklees Local Plan and policies within Chapter 2 of the National Planning Policy Framework it is concluded that the proposal is acceptable in principle.

Urban design issues

10.9 Policy LP24 of Kirklees Local Plan and Chapter 12 of the NPPF set out that development should be of an acceptable design.

10.10 The submitted details set out the intention is for the extension to be constructed from materials which contrast with those used in the construction of the existing building which is constructed from stone / slate with a dark grey section which incorporates glazing / dark grey panels.

10.11 The proposal would be dark grey timber cladding and dark grey zinc for the walls, with the design of the extension being a flat roof which incorporates a parapet roof design with a number of roof lights incorporated and a box window to the front elevation which incorporates windows to the side of the box and zinc cladding to the front.

10.12 The design of the extension was amended as amendment was suggested to incorporate the same material palette as the existing building and have a roof design which ties into the existing roof. Amendment to the scheme was undertaken such that the proposed roof aligns with the eaves level of the existing roof.

10.13 Further justification relating to the design was provided in the design and access statement which sets out at part 4.3 the intention is for a contemporary design with the lower timber part to be partly perforated allowing for light and air to flow the lower part of the proposal.

10.14 The statement continues that the colour finishes of the contemporary designed proposal, which would be dark grey, would complement the colour finish to parts of the existing building.

10.15 Whilst the design of the proposal varies from that of the existing building it is considered that the amended scheme details a size and scale of extension to the building that would read as a contemporary designed addition which suitably compliments the design ethos of the existing building. It is considered that the siting of the extension further reduces the impact the extension would have given it is of reduced visibility within the site or from public vantage points.

10.16 The use of materials which differ from the existing building is considered to be suitably mitigated by the fact they would be of a colour finish which is already present upon the existing building. It is recommended the materials and colour finish is secured by condition upon any grant of permission.

10.17 Subject to inclusion of the recommended condition, it is considered that the proposal is acceptable with regard to visual impact and would meet the requirements of policy LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework in relation to impact upon visual amenity.

Residential amenity

10.18 Policy LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers.

10.19 The nearest residential property is at a distance of 65m to the southwest of the site. It is considered that the proposal would not significantly impact upon residential occupiers in the vicinity of the site in relation to leading to overlooking, being overbearing or leading to unacceptable levels of overshadowing given the distance the proposal is sited from nearby dwellings and the size and scale of the proposal.

10.20 The Council's Environmental Health Team advise that in relation to construction noise they recommend the hours of construction are limited. Taking account of the scale of the proposal and distance of neighbouring dwellings from the part of the site to be developed it is considered it would be unreasonable of the Council to require specific hours of construction as a condition of any grant of permission. It is recommended that an informative note be included upon any grant of permission drawing the applicant's attention to the hours recommended by the Environmental Health Team and the powers, in law, that are available to them if noise from construction is at a nuisance level.

10.21 Lighting has the potential to impact if it is unsympathetically installed. Given the recommendation for a lighting scheme to be submitted in relation to impact upon wildlife (discussed in the 'Ecology Issues' section of this report) it is considered that this matter can be controlled such that lighting does not detrimentally impact upon neighbouring residential occupiers. It is therefore concluded that the proposal meets the requirements of policy LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework in relation to impact upon residential amenity.

Highway issues

10.22 Policies LP21 and LP22 of the Kirklees Local Plan, The Council's adopted Highway Design Guide and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application.

10.23 The application has been submitted with accompanying documents relating to the impact of the proposal upon access and highway safety. These being two Highway Technical Notes (one dated September 2021, the other dated October 2022) and a Travel Plan (dated April 2023).

10.24 The September 2021 Highway Technical Note sets out that the site has been in operation since 2019 and hosts 42 parking spaces. The statement goes on to detail that the proposal would increase the number of consulting rooms from six to 10 and all parking spaces would be retained. The additional rooms would be utilised by existing staff with the intention being that the proposal would reduce the time which users of the site are required to be present and would reduce waiting times.

10.25 The September 2021 Technical Note considers that creating additional space will neither increase nor decrease the number of animals needing treatment but reducing waiting times will decrease the length of time each parking bay is occupied for each client visit and this will in turn decrease any congestion in the car park. On-street parking is addressed within the statement with the conclusion that there was little change in the level of on street parking on the surveyed sections of road irrespective of the use of the car park. The roads surveyed being either side of the junction with Broadgate, Broadgate, Kingsley Road and Foxglove Road.

10.26 Within the consultation response of the Council's Highways Officer, dated 10th August 2022, they note that no trip generation details were included in the September 2021 Technical Note. They confirm in their response that the Highway Safety Team has a number of records of complaints of dangerous and unsociable parking having been undertaken since the vets opened. The Highway Safety Team are currently looking into introducing a Traffic Regulation Order to restrict parking.

10.27 Within the response of the Council's Highways Officer it is confirmed that the Highways Safety Team concluded that the current parking problems are being caused by employees at the veterinary hospital parking on the surrounding residential streets rather than in the existing car park. It should be noted that the parking complaints started prior to any Covid compliant working practices being required and so the problems are not based on the pandemic working arrangements. The conclusion of the Highways Officer within their August 2022 response is that they are unable to support the proposals until existing parking issues have been satisfactorily addressed.

10.28 Following this response, the applicant submitted a further Highways Technical Note (dated October 2022). This reiterated that the proposal would be to improve the time it takes to deal with users of the site, by existing staff, and that they consider this to subsequently ease the parking demand as there would be less overlap of users of the site. It is further detailed that residents have been provided with a point of contact should parking associated with the vets cause issues. Confirmation is provided that whilst there is in fact 42 spaces available on the site and one would be removed, the approved level of 41 spaces would still be achieved.

10.29 Within the October 2022 Technical Note a photographic survey is provided of the local highway taken at varying times of day (9am, 11am, 1pm, 3pm and 5pm). The survey concluded that 1 / 2 spaces for cars were available within a layby on Somerset Road for most of the day (with 2 cars there all day). The layby on Somerset Road is identified within the survey as having 2 – 3 cars parked there all day. On Longley Road it was observed there was no obstruction and ample capacity all day. Parking on the section of Broadgate between Somerset Road and Templar Drive would appear to be busiest at around 7am, demand is concluded as light with no obstructions created to through traffic on Broadgate.

10.30 The conclusion of the October 2022 Technical Note is that the evidence provided leads to the conclusion there is ample capacity for on street parking throughout the day and that the proposal would not materially change the parking and traffic demands.

10.31 The Council's Highways Officer has set out their response to the October 2022 Technical Note in their consultation response dated 7th February 2023. Within their response they confirm that on the basis of observed photographic evidence and an investigation into the resident's parking concerns carried out by the Kirklees Highway Safety team as part of the proposals to introduce Traffic Regulation Order restrictions for parking within the area, it is considered there is a valid requirement for a Traffic Regulation Order.

10.32 The Highways Officer adds that the 'spot photographic survey' represents a brief snapshot and is not a thorough evidence base to draw meaningful conclusions from. They note the 2017 permission for the vets and requirements of the conditions of that permission, and advise that it is clear there still remains an issue in relation to parking demand.

10.33 The conclusion is made, by the Highways Officer, that the current proposals, although not considered as being severe in themselves, are expected to increase trips to the site and, when added to the existing issues and concerns caused by the site, would add a cumulative effect on to the problems experienced in the immediate area.

10.34 They advise that in light of the submitted details and identified issues, they consider it reasonable and necessary that a contribution to the Traffic Regulation Order be made to mitigate the impact of the development. They recommend that a proportionate figure is £5,200 in this case as the proposal relates to the extension / subsequent intensification of the existing use of the land. They further recommend a full parking survey, with the scope agreed by the LPA, be undertaken as part of a wider requirement to submit a Travel Plan.

10.35 Following on from the consultation response of 7th February a Travel Plan has been submitted by the applicant. The Highways Officer confirmed that they consider the travel plan to require further detail, in particular membership of the West Yorkshire Combined Authority (WYCA) Travel Plan Network and the management of the car park to ensure staff parking is provided to a suitable level (a suitable level being one that doesn't cause parking issues on the surrounding streets).

10.36 It is clear from the detail submitted, responses of the Highways Officer and the content of third party representations there is a high level of demand for parking in the locality. Whilst this fluctuates and may not be as intensive some days as others, it is clearly a matter which is having an impact upon the operation of the highway network. In addition to users of the site, those using the nearby Urban Green Space may also utilise on street parking to do so.

10.37 It is considered that the proposal would lead to a greater capacity in the operation and also size of the existing vets which has the potential to further exacerbate the existing identified issue.

10.38 It is therefore concluded that it is a proportionate and reasonable approach to require a financial contribution by the applicant to ensure that suitable mitigation in the form of a Traffic Regulation Order forms part of this application. In addition a condition is also recommended to be included requiring the submission of a suitable Travel Plan that is considered to be acceptable by the LPA.

10.39 Subject to inclusion of the recommended condition, and a Section 106 agreement being in place to secure funds to contribute to a Traffic Regulation Order in the vicinity of the site, it is concluded that the impact of the development upon access and highway safety can be suitably mitigated to ensure that the development accords with the aforementioned policies.

Ecology issues

10.40 Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers. Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

10.41 Policy LP33 of the Kirklees Local Plan states that the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity.

10.42 The proposal would see further development of the site which is in proximity to existing areas of woodland. There would be no removal of existing woodland / habitat as part of the development.

10.43 The Council's Arboricultural Team have advised that they consider there to be no trees of significance in the location of the proposal and whilst there are numerous small trees to the north and east the site hoarding would prevent any accidental damage and the trees are young such that they would adapt to the development. They confirm they have no objection to the proposal.

10.44 The Council's Ecology Team have advised that they consider the proposal is acceptable subject to condition relating to lighting design and recommend any grant of permission requires a scheme to be submitted to the LPA which identifies areas/features on site that are particularly sensitive for wildlife and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory (such as for foraging). In addition, the submitted scheme shall be required to show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent species using their territory or having access to their breeding sites and resting places.

10.45 It is considered that the ecological impact of the development, including the impact upon trees, would not be significant given the scale and nature of the development which is proposed. The inclusion of the condition recommended by the Ecology Team would ensure that artificial lighting would be suitably controlled and would ensure the ecological impact of the development is acceptable.

10.46 Subject to condition the proposal is considered to be acceptable in this regard, in accordance with policies LP30 and LP33 of the Kirklees Local Plan, paragraphs 174, 180, 181 and 182 of the NPPF and the requirements of The Conservation of Habitats and Species Regulations 2017.

Land quality / stability issues

10.47 With regard to land quality, paragraphs 174, 183 and 184 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan which seeks to ensure land quality and stability is maintained as part of new development.

10.48 The site is located within the Coal Authority's "Development Low Risk Area". There is no statutory requirement to consult the Coal Authority regarding development within the "Development Low Risk Area", instead an informative note can be appended to the decision notice which constitutes the deemed consultation response.

10.49 The Council's Environmental Health Team have confirmed, within their consultation response, that the site is close to land identified as potentially contaminated by its former use as landfill. They note that the existing development of the site was undertaken with an assessment of land quality and consider that the proposal is acceptable subject to condition that should unexpected contamination be encountered during construction all works cease and a scheme of investigation, remediation and verification in relation to land quality be submitted to the LPA for written approval.

10.50 It is considered that, subject to inclusion of the recommended condition, and informative note, the proposal would be acceptable in relation to land quality / stability in accordance with paragraphs 174, 183 and 184 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan.

Safety and security

10.51 Section 17 of the Crime and Disorder Act 1998 places a duty on each local authority to 'do all that it reasonably can to prevent crime and disorder in its area'. Section 8 ('Promoting healthy and safe communities') of the National Planning Policy Framework states at paragraph 92 that there should be an aim to achieve healthy, inclusive and safe places which: (b) are safe and accessible so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion.

10.52 Policy LP24 sets out that proposals should promote good design by ensuring the risk of crime is minimised by enhanced security, and the promotion of well-defined routes, overlooked streets and places, high levels of activity, and well-designed security features.

10.53 The proposal is within an existing developed site, which benefits from a number of established security features including boundary fencing and CCTV. The West Yorkshire Police Designing Out Crime Officer has been consulted regarding the proposal. Within their initial response they set out a number of measures / amendments they recommended be considered for incorporation within the scheme. This included amending the ground floor of the proposal such that it does not have an open access.

10.54 The applicant has confirmed their intention for the open sided design and considers that suitable CCTV and lighting is in place to ensure the proposal would not lead to a significant impact resulting from crime / anti-social behaviour. The Designing Out Crime Officer has advised that in light of existing measures they do not object to the proposed development.

10.55 Having regard to the existing measures on site, submitted detail and response of the Designing Out Crime Officer it is considered the proposal is acceptable with regard to safety and security.

Planning obligations

10.56 As discussed within the 'Highway issues' section of this report, a financial contribution of £5,200 to mitigate the impact of the development, due to resultant on street parking demand upon the local highway network, is considered necessary to make the development acceptable in this case. This is recommended to be secured by Section 106 agreement.

Representations

10.57 Insofar as they are not addressed elsewhere within this report, the following summarised representations are addressed as follows:-

- There has been hostility between staff and residents requiring the police to attend.

10.58 It is considered this is a matter which can be afforded little weight as a consideration that is material to the determination of this case as separate powers are in place to control such issued.

11.0 CONCLUSION

11.1 The proposed development is considered to have an acceptable impact in regard to the principle issues discussed within the 'Appraisal' section of this report. The proposal will contribute to the continued operation of an established business and would see the marginal loss of an area of land allocated as Urban Green Space for which there is little realistic opportunity for it to be used by the public. Material considerations are therefore considered to be relevant in this case which justify the approval of planning permission in light of the fact there is an identified departure from the development plan relevant to the consideration of this application.

11.2 The NPPF 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. The proposed development has been assessed against relevant policies in the development plan and other material considerations. Subject to conditions, it is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) 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 three year commencement deadline
2. Development in accordance with Approved Document Schedule
3. Requirement that the materials of construction accord with the details submitted
4. Submission of a Construction Environmental Management Plan, and engagement with residents prior to submission
5. Submission of a Travel Plan
6. Submission of a lighting design strategy for biodiversity
7. Submission of land quality assessment should unexpected contamination be encountered

Informative Notes:

1. Coal Authority Standing Advice
2. Construction hours / noise

Background Papers:

Application and history files.
Planning application details I Kirklees Council
Certificate of Ownership – Certificate A signed