

**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:	2023/62/90780/W
Site Address:	Kingsgate Centre, King Street, Huddersfield, HD1 2QB
Description:	Demolition of existing timber enclosure, replacement new transformer housing to serve new electrical vehicle charging points
Recommending Officer:	Tom Hunt

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: 7th June 2023

Officer Report

Site Description

2023/90780 – Kingsgate Centre, King Street, HD1 2QB

The application site is within a car park serving Kingsgate Centre. It is within 50m of Huddersfield Town Conservation Area and nearby the setting of several Listed Buildings. A sewer crosses the site.

Description of Proposal

Demolition of existing timber enclosure, replacement new transformer housing to serve new electrical vehicle charging points.

It is proposed to remove an existing timber fence enclosure on site approx. 1.2m height and replace it with a green metal cabinet 2.8m square and 2.4m height with a pitch roof. It would have louvred panels.

This would house equipment necessary to provide electric vehicle charging points.

History of negotiations/amendments received

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

Relevant Planning History

There have been several planning applications on the site. However, none are considered relevant to the determination of this application.

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 Site Notice which expired on: 24/04/2023
Publicity (press advert) expired: 30/04/2023

No representations have been received.

Consultation Responses

Yorkshire Water – No objection. Works to be satisfactorily controlled by Building Regulations.

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 within 50m of the Huddersfield Town Centre Conservation Area boundary and is approximately 38-60m distance from various Listed Buildings on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- **LP 1 – Presumption in favour of sustainable development**
- **LP 2 – Place shaping**
- **LP 17 – Huddersfield Town Centre**
- **LP 20 – Sustainable travel**
- **LP 21 – Highways and access**
- **LP 22 – Parking**
- **LP 24 – Design**
- **LP 28 – Drainage**
- **LP 30 – Biodiversity and geodiversity**
- **LP 35 – Historic environment**
- **LP 51 – Protection and improvement of local air quality**
- **LP 52 – Protection and improvement of environmental quality**
- **LP 53 – Contaminated and unstable land**

Supplementary Planning Guidance

- Highways Design Guide SPD

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 7 – Ensuring the vitality of town centres
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- 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

Assessment

The following matters are considered in the assessment below –

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

1 – Principle of development:

The site is located close to Huddersfield Town Centre Conservation Area and is nearby the setting of Grade II Listed Buildings on Cross Church Street and Kirkgate.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority 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.

In addition, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities to pay special attention in order to preserve or enhance the character and setting of buildings or land within a Conservation Area. This relates to Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment.

Furthermore, LP35 states *“development proposals affecting a designated heritage asset...should preserve or enhance the significance of the asset. In cases likely to result in...harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring...public benefits that clearly outweigh the harm”*.

This is mirrored in Chapter 16 of the NPPF of which paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

A detailed consideration of the impact on the heritage assets will be considered below.

Policy LP24 of the KLP is also relevant and states that *“good design should be at the core of all proposals in the district”*. Alongside this, LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a

positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

The aforementioned policies are taken into account within the following report. Having regard to the nature of the proposal and the aforementioned policies, the principle of development could be considered acceptable, subject to the following material planning considerations.

2 – Impact on visual and heritage amenity:

The cabinet would replace an existing timber enclosure for a green metal cabinet which would have a smaller footprint and a moderately taller structure than existing. This would be viewed in its setting as a small and unremarkable cabinet amongst the existing paraphernalia of the car park. The Listed Buildings would have their non-significant rear elevations faced towards the cabinet at a sufficient distance so as to not appear associated with the cabinet nor be unduly visually affected by the structure. As such, bearing in mind the proposed minor size and scale of the cabinet, it would not have a detrimental impact on either the Conservation Area or the setting of Listed Buildings. It would therefore require no public benefits to be identified to meet Policy 35 of the Kirklees Local Plan and Chapter 16 of the NPPF.

In terms of design, as set out, it would appear in keeping with the size and form of the car park paraphernalia and mostly obscured by cars being parked within the sight. As such, Officers regard the proposal as acceptable for permission in this regard as it would not harm the visual amenity of the area, heritage assets and be acceptable and accord with Policies LP2, LP24 and LP35 of the Local Plan and Policies in Chapter 12 and 16 of the NPPF.

3 – Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out in terms of policy LP24 b), which states that proposals should promote good design by, maintaining appropriate distances between housing and employment uses for the residential amenity of future and neighbouring occupiers.

Due to the nature of the proposal sited at a significant distance away from existing residential units at Kirkgate and Cross Church Street approximately 15m from student accommodation at Palace Studios northeast, the proposal would not cause additional harm to these properties in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect. No undue noise is expected that would adversely impact on the amenities of nearby residents.

Accordingly, the proposals are considered not to result in any adverse impact upon the residential amenity of any neighbouring occupants, thereby complying with Policies LP24 and LP52 of the KLP (b) and paragraph 130 (f) of the NPPF.

4 – Impact on highway safety:

The proposal is to support sustainable electric vehicle use and would not take up existing car parking spaces so would have a positive effect in terms of supporting sustainable transport and no impact on highway safety or parking. Therefore, the scheme would comply with policy LP20, LP21 and LP22 of the KLP.

5 – Other matters:

Climate Change

When determining planning applications the Council will use the relevant Local Plan policies, NPPF and guidance documents/SPDs to embed the climate change agenda and to achieve 'net zero' carbon emissions by 2038. Due to its function to support electric vehicles, the proposal is of benefit to the towards carbon reduction from vehicle emissions. The cabinet design is prefabricated and efficient in avoidance of excessive material wastage. The proposal would positively contribute towards reduction of emissions by 2038 and additionally be in accordance with LP17e) and LP24d)v) of the Kirklees Local Plan.

Drainage and Waste Water

The site is within a low probability Flood Risk Zone and has a public combined water sewer crossing the site, therefore Yorkshire Water were consulted to comment on any development as part of its statutory function and they advised no objections. The works would be subject to Requirement H4 of the Building Regulations 2010. An informative would be attached to ensure the applicant are informed of this amongst other details. It is on existing hard surface with minimal works to ground reducing its impact on drainage and would have no additional harm to flood risk and drainage under LP27 or LP28 of the Kirklees Local Plan.

Biodiversity

Whilst it is acknowledged that the site is located within an identified swift area, the proposals are extremely minor and therefore considered unlikely that the proposals would have an impact on the swift population. The installation of clean emission vehicle charging would aid in improved air quality locally for biodiversity. Due to its minor scale and neutral impact on existing hard standing, the proposal would not have detrimental impact on the biodiversity in the area and would not be in conflict with LP30 of the Kirklees Local Plan or Chapter 15 of the NPPF.

High Coal Risk Area

The proposal is within a Coal High Risk area for development. The proposal would have extremely minimal ground disturbance over a minor footprint on existing hard standing and therefore in line with standing advice would not require consultation with the Coal Authority. Officers are in agreement that the proposed minor development of the land would have no detrimental impact in relation to the High Risk Coal area satisfying public safety. The proposal with the standard informative on High Coal Risk would be compliant with LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

Air and environmental quality

Even as the cabinet's machinery may have some background noise, this is sited sufficiently far enough from sensitive receptors to avoid any additional detrimental impact on noise. Of some benefit locally, the proposal would support electric vehicles for sale which would reduce some air and noise emissions thus improving the environmental quality of the area compliant with LP 51 and LP52 of the Kirklees Local Plan.

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

Application Number: 2023/90780

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 to accord with Policies LP01, LP02, LP17, LP20, LP21, LP22, LP24, LP28, LP30, LP35, LP51, LP52 and LP53 of the Kirklees Local Plan, and Policies within Chapters 2, 12, 14, 15 and 16 of the National Planning Policy Framework

FOOTNOTE: Yorkshire Water informative. On the Statutory Sewer Map, there is a small diameter public combined water sewer recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme.

- a.) It may not be acceptable to raise or lower ground levels over the sewer and we will not accept any inspection chambers on the sewer to be built over.
- b.) In this instance, Yorkshire Water would look for this matter to be controlled (by Requirement H4 of the Building Regulations 2010).
- c.) A proposal by the developer to alter/divert a public sewer will be subject to Yorkshire Water's requirements and formal procedure in accordance with Section 185 Water Industry Act 1991.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan.	Drawing No (PL) 00.	Unamended	10/03/2023
Proposed Transformer Housing.	Drawing No. (PL) 04.	Unamended	10/03/2023

Plan Type	Reference	Version	Date Received
Existing Site Photos			10/03/2023

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.

Report Dated: 06/06/2023