

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:	2023/62/90873/E
Site Address:	Whiteleys Garden Centre, Far Common Road, Mirfield, WF14 0DQ
Description:	Erection of 8 ultra-rapid electric vehicle chargers, substation and associated electrical equipment
Recommending Officer:	Nicole Helliwell

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.

Julia Steadman

AUTHORISED OFFICER

Date: 23/8/2023

Officer Report

Reference No. 2023/62/90873/E

Site Address: Whiteleys Garden Centre, Far Common Road, Mirfield, WF14 0DQ

Proposal: Erection of 8 ultra-rapid electric vehicle chargers, substation and associated electrical equipment

Site Description

The application relates to Whiteleys Garden Centre, located off Far Common Road in Mirfield. The wider area comprises a combination of residential and commercial properties of varying ages, architectural styles and materials. Furthermore, the site is not within a conservation area, nor are there any listed buildings or public rights of way within close proximity to the site.

Description of Proposal

The application seeks planning permission for the erection of 8 ultra-rapid electric vehicle chargers, a substation and associated electrical equipment. The details of the proposal are as follows:

- The electric chargers would measure approx. 1m in width, approx. 1.5m in depth and approx. 2.13m in height.
- It is proposed that the 8 vehicle charging points would replace 12 standard parking bays within the carpark.
- The substation would measure approx. 3.11m in width, approx. 2.26m in depth and approx. 2.26m in height.

Relevant Planning History

2019/90781: Erection of two storey extension to existing restaurant/café with terrace. Planning application details | Kirklees Council – **Conditional Full Permission**

2013/90062: Dead or Dangerous Tree(s) Planning application details | Kirklees Council - **Noted**

2012/91197: Works to TPO(s) 17/77. Planning application details | Kirklees Council – **Granted**

- 2002/93993: Erection of new polytunnel and extension to existing polytunnels to form covered areas. [Planning application details | Kirklees Council](#) - **Conditional Full Permission**
- 2002/92675: Installation of security lighting to car park. [Planning application details | Kirklees Council](#) - **Conditional Full Permission**
- 2002/91587: Erection of illuminated signage. [Planning application details | Kirklees Council](#) – **Advertisement Consent Granted**
- 2002/91315: Formation of hard landscaped delivery vehicle off-loading area. [Planning application details | Kirklees Council](#) - **Conditional Full Permission**
- 99/92376: Extension to existing glasshouses, formation of entrance portico, erection of warehouse and formation of car park. [Planning application details | Kirklees Council](#) - **Conditional Full Permission**
- 96/92793: Certificate of lawfulness for an existing use as garden centre and retail of goods within Class A1. [Planning application details | Kirklees Council](#) – **Certificate of Lawfulness Granted**
- 92/00112: Erection of canopy over existing outdoor plant display area and open covered ways. [Planning application details | Kirklees Council](#) – **Conditional Full Permission**
- 91/04814: Erection of canopy over existing outdoor plant display area and open covered way. [Planning application details | Kirklees Council](#) – **Refused**

Representations

The application was publicised by neighbour notification letters, which expired on 10th May 2023. As a result of the above publicity, no representations have been received.

Consultation Responses

KC Trees - No objections

KC Strategic Waste - No objections

KC Environmental Health – No comments received

KC Highways – No objections

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 located within a designated Green Belt on the Kirklees Local Plan Proposals Map. The most relevant policies for consideration in this case are:

Kirklees Local Plan Policies

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 26** - Renewable and Low Carbon Energy
- **LP 52** - Protection and Improvement of Environmental Quality
- **LP 57** - Extension, Alteration or Replacement within Green Belt

In this case, the following SPDs are applicable:

- Highways Design Guide SPD (adopted 4th November 2019)
- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)

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 9** - Promoting Sustainable Transport
- **Chapter 12** - Achieving Well-Designed Places
- **Chapter 13** - Protecting Green Belt Land
- **Chapter 14** - Meeting the Challenge of Climate Change, Flooding and Coastal Change
- **Chapter 15** - Conserving and Enhancing the Natural Environment

Assessment

1. Principle of development

Impact on the Green Belt

The application site is located on land allocated as Green Belt on the Kirklees Local Plan (KLP). As such, the proposal will be assessed having regard to KLP Policy LP57 and Chapter 13 of the NPPF.

Paragraph 151 of the NPPF states *“when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.”*

The proposal would introduce additional built development within the Green Belt. However, the proposed development it is not considered to have a greater impact on the openness of the Green Belt than the existing development. Furthermore, it is noted that the proposal would create environmental benefits.

Whilst the proposal is considered to constitute inappropriate development in the Green Belt, very special circumstances exist

in that the proposal would provide wider environmental benefit, providing EVC points for customers that visit the existing garden centre that has operated from the site for some significant time. The proposal is therefore considered to be compliant with Chapter 13 of the NPPF and Policy LP57 of the Kirklees Local Plan. The application shall now be assessed against these issues and other material planning considerations, including visual and residential amenity, as well as highway safety and other matters that may arise.

1. Impact on Visual amenity

Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring the form, scale, layout, and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details.

The NPPF also offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 126 provides a principal consideration concerning design which states: *“The creation of high-quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

The electric vehicle charging points, substation and electrical equipment are relatively small in size and stature, however, an accumulation of street furniture, such as bollards and lampposts etc can create a cluttered appearance. The placement of the EVCPs and associated equipment would not be seen to be uncommon given the commercial setting, within a spacious car park. The development would also be set back from the highway and would be screened to a certain extent by trees and vegetation around the perimeter of the site. The EVCPs would

be aligned with the existing car parking spaces and the cables would be located underground. The proposed substation and electrical equipment would be associated directly to the use of the EVCPs and their design would be considered typical for such a use. Furthermore, Officers are satisfied that the visual clutter is reasonably limited and would be in keeping within its commercial setting. On this basis, it is considered that the proposed development would not have any significant visual impact on the character and appearance of the surrounding area.

Summary

Having taken into account the above, it is considered that the proposed development would be acceptable from a visual amenity perspective, in accordance with Policy LP24 of the Kirklees Local Plan and Chapters 12 and 13 of the NPPF.

2. Impact on Residential Amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be outlined, taking into account Policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.

The proposed development would occupy a position approximately 71m from the nearest residential property at 50 Slipper Lane. Therefore, given the nature of the proposal and that a substantial separation distance would be retained, it is considered that there would be no detrimental harm with regard to residential amenity.

Summary

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the

amenities of neighbouring properties and Paragraph 130 (f) of the National Planning Policy Framework.

3. Impact on Highway Safety

With regards to Highways Safety, Policies LP21 and LP22 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 and access to sustainable transport options.

The application seeks to install 8 ultra-rapid electric vehicle charging points within the car park of the garden centre. As such, KC Highways Development Management were formally consulted on the proposed scheme.

The provision of electric vehicle charging points is generally supported by Highways. However, it is proposed that these charging points will be used by the general public and not solely for the use of customers. KC Highways did express concern that the proposal would reduce the parking provision available for customers of the garden centre. Officers also noted that the proposal may lead to cars queuing for spaces and causing tailbacks backing out onto the highway or result in vehicles parking on the highway adjacent and causing highway safety issues.

Following KC Highways comments, a 'Parking Beat Survey' was submitted by the agent to address the above concerns. The parking survey demonstrates that the existing car park has the capacity to accommodate the proposed 8 electric vehicle charging points without adversely affecting the operation of the Garden Centre and highway safety. Therefore, it is considered that the information submitted sufficiently addresses the Officer's concerns regarding the potential loss of parking and is acceptable from a highways perspective.

In view of the above, it is considered that the proposed development would not represent any additional harm in terms of highway safety and would accord with Policies LP21 and LP22 of the Kirklees Local Plan, Chapter 9 of the NPPF and the Highways Design Guide SPD.

4. 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.

The application seeks to install 8 electric vehicle charging points within the site, which will contribute positively to mitigating the impact of climate change and air quality. Therefore, in this instance the proposal would comply with the aims of Policies LP24 and LP51 of the KLP and Chapters 9 and 14 of the NPPF, which seek to promote sustainable transport and to support low carbon future.

Trees

The installation of substation, equipment and charging points will result in small foundations and powerlines being laid along the edge of the parking area. Therefore, providing that trenching is kept to a minimum along the edge of the carpark, KC Trees

are satisfied that there is unlikely to be any significant impacts to valuable trees and have no objections to the proposal.

Landfill Sites

There is one closed landfill site within 250m of application address. KC Ref 12 lies approximately 230m away, this small site was a depression in a field and tipping was to level the area for agriculture. Construction, demolition and excavation waste was used, quantity and depth unknown it was finished and landscaped in 1982. However, LFG data is unavailable for this site.

There are no other matters relevant to the determination of this application.

5. Representations

No representations were received following the statutory publicity.

6. Negotiations

No amendments were sought or received during the course of the application.

7. Conclusion

This application for the erection of 8 ultra-rapid electric vehicle chargers, a substation and associated electrical equipment at Whiteleys Garden Centre has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed development is considered acceptable.

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: 2023/90873

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 with Policies LP1, LP2, LP21, LP22, LP24, LP26, LP52 and LP57 of the Kirklees Local Plan, the guidance within the Council's Highways Design Guide SPD and the aims of the National Planning Policy Framework.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours, Mondays to Fridays
- 08.00 and 13.00hours, Saturdays

- With no working Sundays or Public Holidays

In some cases, different site-specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Site Plan Proposed	1	V1	27/03/2023
Site Plan Existing	2	V1	27/03/2023
Location Plan	3	V1	27/03/2023
8 Bay 8 Charger	-	V2	27/03/2023
Substation Detail Drawing	-	V1	27/03/2023
Parking Beat Survey	-	V01	16/08/2023
Climate Change Statement	-	-	27/03/2023
Design and Access Statement	-	-	27/03/2023

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 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. In this case, the design of the original scheme has been found acceptable. A parking survey was requested during the course of the application and subsequently submitted. No further amendments or details were sought thereafter.

Report Dated: 21/08/2023