

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:	2023/62/91245/E
Site Address:	499, Wakefield Road, Millbridge, Liversedge, WF15 6BL
Description:	Reconstruction of existing retail unit Use Class E
Recommending Officer:	Nina Sayers

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.

Emma Thompson

AUTHORISED OFFICER

Date: «Current_Date»

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Officer Report

Site Description

2023/91245 - 499, Wakefield Road, Millbridge, Liversedge, WF15 6BL

The application site relates to a plot of land on the corner of Wakefield Road and Vernon Road. It is noted that the structure previously on the site has recently been demolished. The site previously accommodated a 5.9(w) x 4.5(d) metre, single-storey retail unit. It had a pitched roof design with glazing and a doorway on the front elevation which fronts Wakefield Road. The site is located adjacent to other commercial units which vary in terms of design and materials. There is a terrace of residential properties west of the site which are separated by the highway.

The site is unallocated within the Kirklees Local Plan. The site is not in a conservation area and there are no listed buildings within close proximity to the site.

Description of Proposal

The application seeks planning permission for reconstruction of an existing retail unit under Use Class E.

The proposed structure would be the same footprint as the existing structure. It would have a pitched roof design with the gable end facing Wakefield Road. The total roof height would be 4.1 metres with an eaves height of 2.8 metres. The proposal would be finished in brickwork walling, under a concrete tiled roof, with dark grey UPVC windows and doors and steel roller shutters.

History of negotiations/amendments received

No amendments were sought or received. Officers sought clarity regarding the proposed use of the building and the agent confirmed it would be marketed as a vacant unit to let within use class E.

Relevant Planning History

2006/91817 Outline application for residential development. Withdrawn

Representations

This application was advertised by neighbour notification letter and online. Final publicity expired 16/06/2023.

No representations were received.

Consultation Responses

No consultees were considered necessary.

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 unallocated on the Kirklees Local Plan Proposals Map.

Kirklees Local Plan (LP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 3** – Location of New Development
- **LP 7** – Efficient and Effective Use of Land and Buildings
- **LP13** – Town Centre Uses
- **LP 20** – Sustainable Travel
- **LP 21** – Highway Safety
- **LP 22** – Parking Provision
- **LP 24** – Design

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 5** – Delivering a Sufficient Supply of Homes
- **Chapter 7** – Ensuring the vitality of town centres
- **Chapter 8** – Promoting Health and Safe Communities
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 11** – Making Efficient Use of Land
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding

Other Material Considerations:

- Kirklees Highways Design Guide SPD (2019).
- Waste Management Design Guide for New Developments (Version 5, October 2020).
- Kirklees Biodiversity Net Gain Technical Advice Note (2021).

Assessment

The following matters are considered in the assessment below –

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

1 – Principle of 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.

The site is not displayed as allocated on the KLP Policies Map. Policy LP2 states that:

“All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...”

The proposed development is for the reconstruction of a retail unit. The application site is not allocated and is not within a local or town centre. Given the previous use of the site, the structure having only recently been demolished, it is considered that the principle of reconstructing the existing unit, and the proposed retail use, would have no additional impact on the principle of development over and above the former use. Furthermore, the location being adjacent to existing commercial properties would continue the use along the row. Given the site specific circumstances it is not considered necessary to request a sequential test for development out of a town or local centre. The development proposed is a replacement retail unit in a mixed commercial area where, up until recently, there was a business. It is not introducing new retail that would conflict with the Local Plan in locating development within a town or local centre. Nor would it compete with it. As

such the development is considered in accordance with the NPPF and Local Plan in this respect.

In respect of the above, the principle of development is considered acceptable although a more detailed assessment of the proposal's design and its impact on the surrounding environment, assessed against Policy LP24 of the Kirklees Local Plan amongst other Policies, is undertaken below.

2 – Impact on visual amenity:

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby 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.”

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

Paragraph 129 of the NPPF sets out that design guides and codes carry weight in decision making. Of note, Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

The application site is located on the end of a row of commercial properties which vary in terms of design and materials. The properties on Wakefield Road have a clear building line, as all properties front the highway, however roof form and height is not clear. The properties predominantly have shallow pitched roofs, however the adjacent property to the west has a parapet wall, appearing almost flat roofed from the highway. The properties on Vernon Road are more similar in design with a pitched roof form of the same height.

The previous structure on the site had a pitched roof design oriented differently to the adjacent properties. The roof height was set down from the properties to the rear, but protruded above the adjacent property to the west.

The proposed structure would also have a pitched roof however it would be oriented to align with both the properties on Vernon Road and Wakefield Road. The roof height would be slightly higher than the previous structure, but would still be set above the property to the west and lower than the property to the north. The proposed change to the roof form and orientation is considered an improvement on the previous roof design. Whilst it is noted that design would not entirely be in keeping with the adjacent properties, given the lack of uniformity in the street scene, and as the scheme would be an improvement on the 'existing', this is considered acceptable on balance.

The proposal would be finished in brickwork under concrete tiled roofing which would be similar to the properties in the surrounding area.

Taking this all into consideration, Officers consider that the proposal would not cause detrimental harm to the visual amenities of the locality. The proposal is therefore considered to be in accordance Policy LP24(a) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Section B and C of LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

The proposal would remain ~21 metres from the nearest residential dwelling. Therefore, no significant overshadowing, overbearing or overlooking harm is considered to be caused to the amenity of any neighbouring occupants.

The proposed development would be a replacement of an existing Class E unit, adjacent to other commercial units. Therefore, given the previous use of the site, the structure having only recently been demolished, no additional harm is considered to be caused to residential amenity over and above the existing arrangements on site.

The proposed development is therefore considered acceptable in terms of residential amenity and it is considered that the proposed development complies with Local Plan Policy LP24(b) and Chapter 12 of the National Planning Policy Framework.

4 – Impact on highway safety:

Paragraph 111 of the NPPF states that: *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

Policy LP21 of the Kirklees Local Plan states that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users.

There is not parking provided within the application site however there is on street parking available within close proximity to the property. The proposed development would be a replacement of a Class E unit, which has only recently been demolished, adjacent to other commercial units and therefore no additional harm is considered to be caused to highway safety over and above the existing arrangements on site.

It is therefore considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

5 – Other matters:

No other matters.

6 – Representations:

No 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 proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2023/91245

Officer Recommendation: Approve

Conditions:

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, LP3, LP7, LP20, LP21, LP22 and LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership

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 Table:

Plan Type	Reference	Version	Date Received
Location Plan as Existing	1590/01		28/04/2023
Plans & Elevations as Existing	1590/02		28/04/2023
Plans & Elevations as Proposed	1590/03		28/04/2023

Climate Change Statement			28/04/2023
Design and Access Statement			28/04/2023

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 has, 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 amendments were sought or provided.

Report Dated: 22/08/2023