

Kirklees Council

Dear Planning Officer

Development Proposal: Demolition of existing shed and erection of replacement shed

Address: Border Textiles, 1 Whitechapel Road, Cleckheaton, BD19 6HY

- 1.1 This letter is submitted on behalf of our client 'Rory Wilson ('The Applicant') in support of the above proposal.

Development Proposal

- 1.2 The application seeks planning permission for the demolition of existing shed and erection of replacement shed.

- 1.3 The existing shed to be removed measures 7495mm x 3855mm, with a ridge height of 3300mm. The replacement shed is to be located on a similar footprint and will measure approximately 8245mm x 3855m, with a ridge height of 3300mm. The proposed shed is to be constructed from brick to match the existing building with timber boarded doors and will provide improved accommodation for storage.

Policy Position

- 1.4 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).

- 1.5 Kirklees Local Plan (LP):

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP7 – Efficient and Effective Use of Land and Buildings
- LP21 – Highway safety and access
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity and Geodiversity

- LP53 – Contaminated and Unstable Land

Other Guidance Documents:

- Kirklees Highway Design Guide (2019)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)

National Policies and Guidance:

- 1.6 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 5th September 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.
- 1.7 The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Most specifically in this instance, the below chapters are of most relevance:
- Chapter 2 – Achieving sustainable development
 - Chapter 4 – Decision-making
 - Chapter 6 – Building a strong, competitive economy
 - Chapter 9 – Promoting sustainable transport
 - Chapter 11 – Making effective use of land
 - Chapter 12 – Achieving well-designed places

Planning Policy Assessment

Principle of Development:

- 1.8 NPPF Paragraph 11 and Policy LP1 of the Local Plan outlines a presumption in favour of sustainable development. The proposal is for a replacement shed on the existing built footprint, within an urban environment. Located on brownfield land, the principal of development is considered acceptable.

Impact on Residential Amenity

- 1.9 Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future occupiers. The shed is located within a commercial environment and will not impact on the amenity of neighbouring land uses, in respect of overlooking or overshadowing.

Impact on Highway Safety

- 1.10 Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Paragraph 115 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.
- 1.11 The application relates to the demolition of an existing shed and erection of a replacement shed for the secure storage, linked to the commercial nature of the Site.
- 1.12 Importantly, vehicle access and parking onsite to the site will remain as existing. As such, the Proposal will not significantly intensify the use of this road network. As such, the proposal complies with Local Plan Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

Contaminated land

- 1.13 Policy LP53 of the Kirklees Local Plan states that *'development on land that is unstable, currently contaminated or suspected of being contaminated due to its previous history or geology, or that will potentially become contaminated as a result of the development, will require the submission of an appropriate contamination assessment and/or land instability risk assessment'*. The policy goes on to state that for *'developments identified as being at risk of instability, or where there is evidence of contamination, measures should be incorporated to remediate the land and/or incorporate other measures to ensure that the contamination/instability does not have the potential to cause harm to people or the environment. Such developments which cannot incorporate suitable and sustainable mitigation measures which protect the well-being of residents or protect the environment will not be permitted'*.
- 1.14 The site of the proposed development is indicated on the Council's mapping system as being situated on land that is contaminated. A Phase 1 and Phase 2 Land Contamination Assessment accompanies this application and confirms that the land should be regraded in respect of its classification, with mitigation measures outlined.

1.15 The proposal therefore complies with the aims of LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

Biodiversity

1.16 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.

1.17 Policy LP30 of the Kirklees Local Plan echoes the NPPF in respect of biodiversity. Policy LP30 outlines that development proposals should minimise impacts on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist. The requirement for biodiversity net gain (10%) was made mandatory from 12th February 2024 for major developments. This proposal falls under the small site exemption of under 1,000sqm of floorspace and site area under 1ha in size.

1.18 The proposed development is considered to accord with LP30 and LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

Climate Change

1.19 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.

1.20 The store building will not be heated, and will be built from materials source materials locally, recycling existing materials where possible. The Site is also not within an area at risk of flooding.

Summary

1.21 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.

Kind regards,

Rachel Reaney
BA, M.A, MRTPI
DIRECTOR ASTRUM PLANNING

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