

# PLANNING STATEMENT

Land adjacent Unit C2, Carlinghow Mills

511 Bradford Road

Batley

WF17 8LL

## Proposal

Siting of a Storage Container for the Use as a Café and Associated Works.

## Prepared by

**Mubeen Patel** BA (Hons) MTPI MRTPI

Planning Consultant



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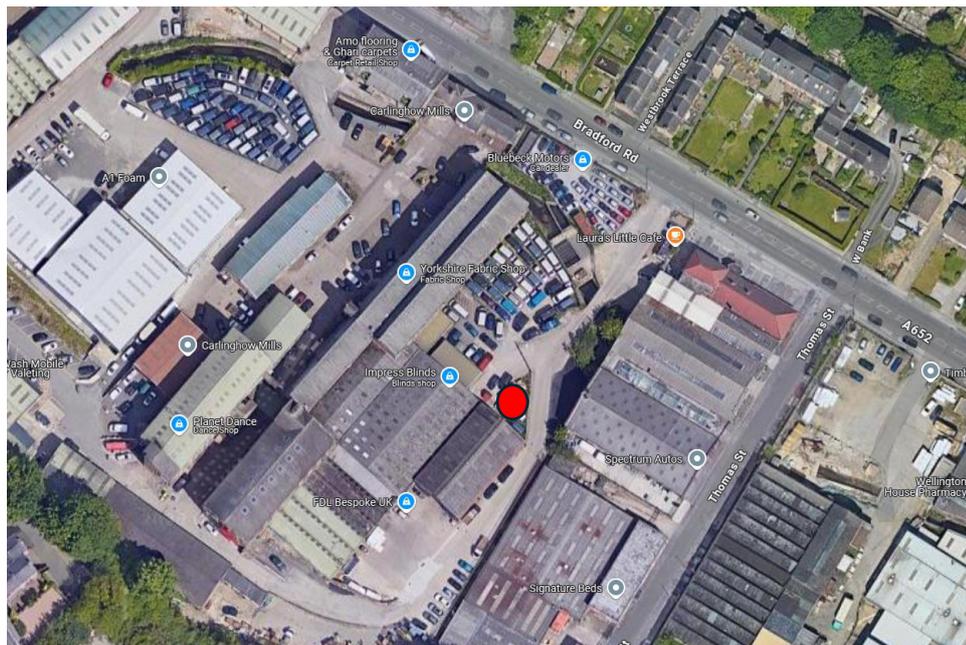
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## **1.0 INTRODUCTION**

- 1.1 This Planning Statement is submitted by 'Planning Management Ltd' on behalf of the applicant who has a long term lease of the application site positioned within the larger Carlinghow Mill complex off Bradford Road, Batley, as shown on the plans accompanying this application. The proposed land itself is currently vacant and has been disused for a number of years, previous to this it was used for informal additional parking for occupiers of the adjacent unit.
  
- 1.2 The site is positioned within the settlement boundary of Batley and close to the key transport scheme route of Bradford Road to the east. The site is also located within the Cross Bank Conservation Area.
  
- 1.3 In terms of the economy, the council's overarching objectives place significant emphasis on the need to support the growth aspirations of the districts indigenous businesses, as well as securing the inward investment opportunities which are likely to occur during the course of the plan period.
  
- 1.4 Further to the above, the Kirklees Local Plan (adopted February 2019) talks about promoting the re-use of existing buildings and the use of brownfield land to meet development needs and support the regeneration of areas.
  
- 1.5 The applicant would like to work with the Council in order to secure approval for the proposed use and alterations.

**2.0 SITE AND SURROUNDINGS**

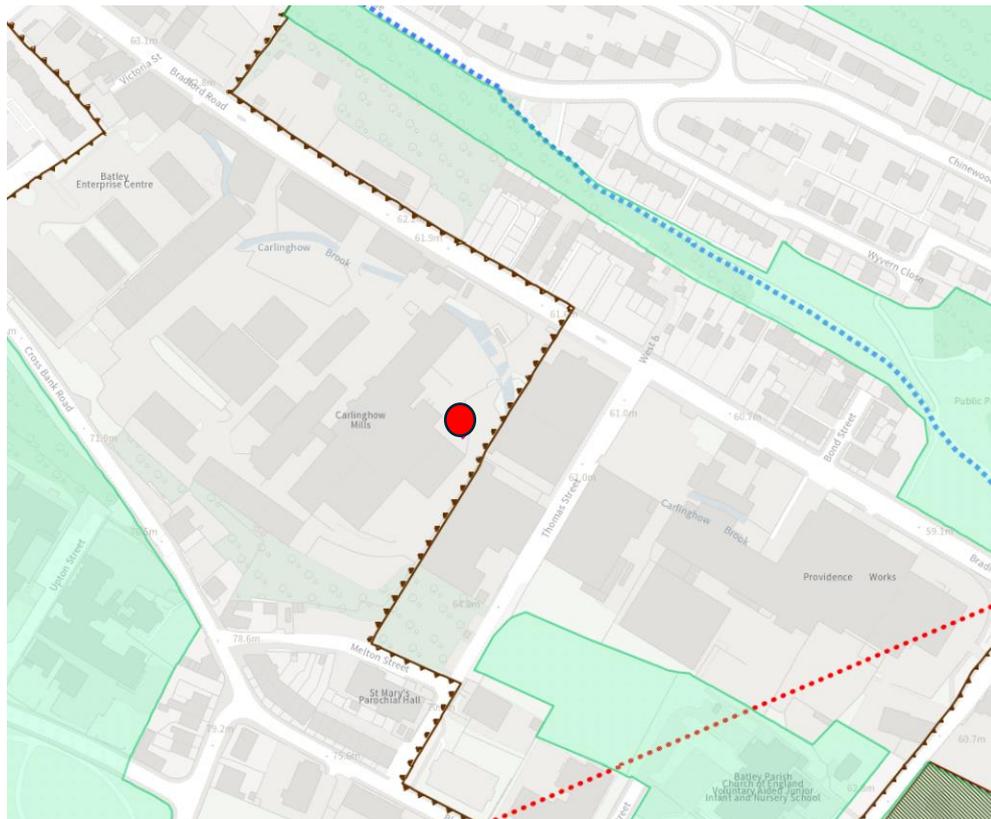
- 2.1 The application site relates to a small triangular piece of land totalling an area of approximately 115sqm. The land is vacant and was previously used as additional parking for an adjacent business unit. The site is located within the larger private Carlinghow Mills complex which houses a number of businesses including Impress Blinds, Planet Dance, A1 Foam, M & R Timber, and a large number of smaller units. Carlinghow Mills itself provides inward investment and employment to the surrounding area of Batley and Dewsbury.
  
- 2.2 The proposed site is accessed off Bradford Road and located 60m from this main road. Access to the site is from Bradford Road via an internal road, or from within the mill complex itself. Two metre high metal fencing currently separates the site from the internal access road.
  
- 2.3 The surrounding area consists of large industrial and historic mill buildings which vary in term of their size, height, and materials. The unit adjacent to the land in question is constructed of red brick with galvanised cladding to its gable elevation and steel sheet roof. However, the unit directly to the north of this is of stone construction, and so is the 3 storey original mill building to the north west of the site.



- 2.4 **Above:** Aerial image indicates the positioning of the application site and also shows the variety of industrial uses and buildings in the vicinity of the site.



2.5 **Above:** Image indicates the application site and also shows the adjacent buildings in the foreground. The existing fencing is to be removed as part of proposal.

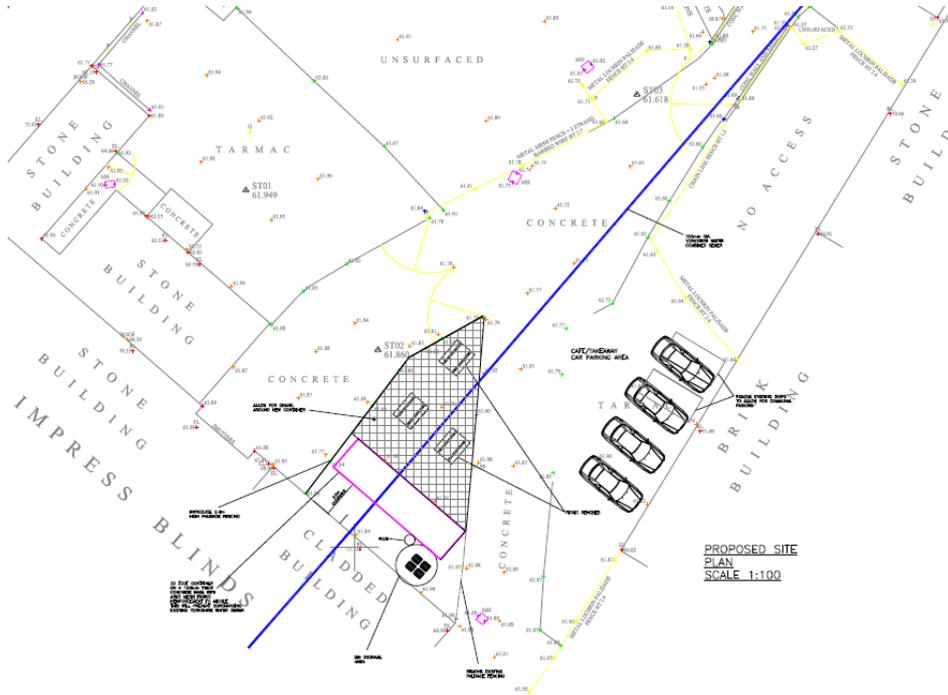


2.6 **Above:** Image taken from the Local Plan Proposals Map; The application site (red circle) is located within the urban boundary and also within the Coss bank Conservation Area (Brown outline).

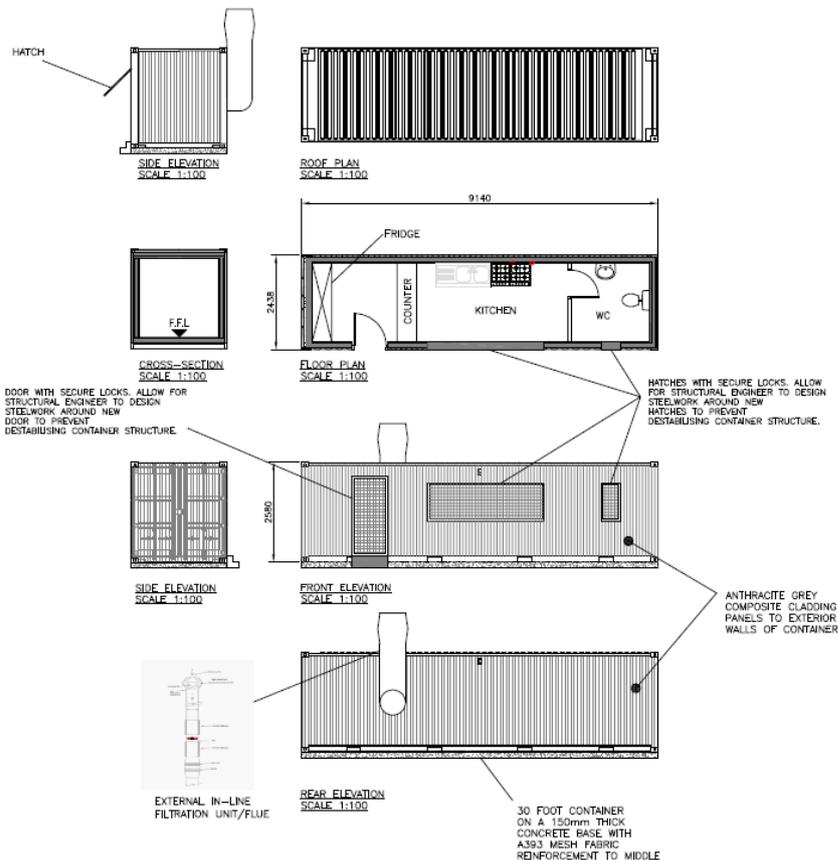
### **3.0 PROPOSED DEVELOPMENT**

- 3.1 The proposal is for full planning permission to use the land for the siting of a 30ft storage container which would be used as a café. The storage container would be placed on a concrete base and converted internally to provide a kitchen, counter, and small WC.
- 3.2 In terms of the size of the unit, this would be 9.1m in length and 2.4m in total height. The appearance of the container would be enhanced through the installation of anthracite grey cladding to its elevations. A flue would be placed to the rear of the container to deal with odour from cooking. A new opening would be provided to the front with a hatch/canopy where customers would be served. Some benches would also be provided for customers.
- 3.3 The proposed café would operate to serve the many delivery workers which come and go from the larger Carlinghow Mills site on a daily basis. The applicant emphasises that a large number of HGV drivers take driving breaks whilst delivering and are looking for a quick tea/coffee or something warm and healthy to eat before they are back on the road. The size of their vehicles (HGVs) does not allow them to travel into town, and in some instances, they do not have the time to travel to find a suitable place to eat, as they are just looking to rest. Halal food would also be served at the premises.
- 3.4 The café would mainly serve hot and cold drinks, broths, and foods like jacket potato, grilled chicken, cuts of steak, Sandwiches, Salads and Yoghurt.
- 3.5 The proposed Cafe would operate from 07:00hrs to 18:00hrs, 7 days a week.
- 3.6 Parking for staff and delivery vehicles would be retained as existing within the larger yard area. The submitted plans also show the two industrial skips to the west of the site are to be removed, this would provide additional parking space for customers and staff if and when required.
- 3.7 The proposed cafe would employ 2 full time staff members.

3.8 Bins would be located along the south western side elevation of the cafe between the adjacent larger unit and away from the frontage.



3.9 **Above and below:** The proposed site plan shows the positioning of the container (purple), the 3 benches for customers to sit and eat, and communal parking area to the west. The plan below shows the internal layout, elevations, and positioning of the flue.



#### **4.0. INVOLVEMENT**

- 4.1 No formal pre-application advice in this instance has been sought from the Council. The scheme put forward is an acceptable proposal providing a much-needed development in this area whilst bringing disused land into a viable use.
  
- 4.2 This planning Statement has been submitted as part of the planning application to provide a reasoned justification for its acceptability using local and national planning policy and guidance.
  
- 4.3 The issues of highways safety, amenity of the surrounding area, design and the principle of the development are taken into consideration in the assessment below.

## **5.0 HISTORY**

- 5.1 A history check has been undertaken which has revealed that the proposed land does not have any specific planning history.

## **6.0 RELEVANT PLANNING POLICY**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that decisions should be made in accordance with the development plan unless material considerations indicate otherwise.
- 6.2 The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019). It states that ‘Our vision needs to consider what Kirklees should be like in the future if the needs and aspirations of those who live, work in, or visit Kirklees are to be met whilst retaining the characteristics that make it attractive and distinctive. It also needs to be flexible to allow us to respond to future challenges in a way that is right for Kirklees and its residents and businesses.’
- 6.3 The statement vision for Kirklees is that people will have access to a range of local facilities including services, health-care and education provision, and adequate infrastructure. Places will be well-connected encouraging sustainable travel including increased opportunities for walking and cycling and improved links to other parts of the Region and beyond.
- 6.4 The following Local Plan policies have relevance to the proposal:
- LP 01 – ACHIEVING SUSTAINABLE DEVELOPMENT
  - LP 02 – PLACE SHAPING
  - LP 21 – HIGHWAY SAFETY AND ACCESS
  - LP 22 – PARKING
  - LP 24 – DESIGN
  - LP 27 - FLOOD RISK
  - LP 51 – PROTECTION AND IMPROVEMENT OF LOCAL AIR QUALITY
  - LP 52 – PROTECTION AND IMPROVEMENT OF ENVIRONMENTAL QUALITY

6.5 The below supplementary planning Documents (SPDs) are also considered to be relevant as part of this planning application;

NPPF (2024)

6.6 The NPPF clearly states ‘that the purpose of the planning system is to contribute to the achievement of sustainable development’ (paragraph 7). Paragraph 10 confirms that ‘in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development’.

6.7 Paragraph 11 states that a presumption in favour of sustainable development is at the heart of the NPPF. It goes on to say that ‘for decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

6.8 Paragraph 135 of the NPPF, advises that Planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

6.9 Paragraph 116 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, following mitigation, would be severe, taking into account all reasonable future scenarios.

- 6.10 The general perspective of the NPPF is that planning should proactively drive growth and support sustainable economic development. It also states that planning should make effective use of land by reusing land that has been previously developed and sets out a presumption in favour of sustainable development. The government is committed to ensuring that the planning system does everything it can to support sustainable economic growth.

National Planning Practice Guidance (NPPG)

- 6.11 The government published its NPPG on 6 March 2014. This is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning Circulars and advice notes have been cancelled. Specific reference will be made to the NPPG or other national advice in the Analysis section of the report, where appropriate.

## 7.0 ASSESSMENT

### Principle

- 7.1 Policy LP1 of the Local Plan (Presumption in favour of sustainable development) 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 National Planning Policy Framework. The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
- 7.2 Proposals that accord with the policies in the Kirklees Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.
- 7.3 The proposed development at the site will bring a vacant piece of land into a suitable and sustainable use. It is positioned in a mainly industrial area within the confines of a wider factory/mill site and close to the busy Bradford Road. An opportunity has arisen where investment can be made to bring the land to a suitable functional use and provide jobs in the area, albeit a small number.
- 7.4 As such, the proposal through investment would provide a good quality food option within the wider Mill site for HGV drivers and delivery drivers who do not have smaller vehicles or time to visit the town centre for food and drinks. As such the development does not compete with town centre uses and is considered site specific. Furthermore, the proposed site is positioned 60m within the mill complex and would not attract passing traffic, or general customers. Its hours of operation are reflective of a working day and when HGV drivers would be visiting the site.
- 7.5 The effect on residential amenity by reason of noise, odour or another nuisance has been considered. It should be noted that there are no residential properties in the vicinity of the site with large, tall industrial buildings surrounding the land which

themselves emit noise and smells. This proposal would be small in comparison and would not result in amenity issues.

- 7.6 It is also considered that the proposal would not have a detrimental effect on the safe and efficient operation of the existing transport and road infrastructure. Highway's safety is further discussed in the relevant section below.
- 7.7 In respect of the Local Plan policies where the site is unallocated in the Kirklees Local Plan, and given the surrounding area is predominantly industrial, the proposed use is considered as an appropriate and compatible use to the existing character of the area in this sustainable location.
- 7.8 In light of the above it is considered that the principle of providing the proposed use at the application site is acceptable.

#### Visual Appearance

- 7.9 Policy LP24 (Design) states that good design should be at the core of all proposals in the district and should be considered at the outset of the development process, ensuring that design forms part of pre-application consultation of a proposal. Development briefs, design codes and masterplans should be used to secure high quality, green, accessible, inclusive and safe design, where applicable. Where appropriate and in agreement with the developer schemes will be submitted for design review.
- 7.10 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;
  - b.** they provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary;

c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers; d. high levels of sustainability, to a degree proportionate to the proposal.

- 7.11 Paragraph 135 of the revised National Planning Policy Framework states that ‘decisions should ensure that developments will function well and add to the overall quality of the area and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping’.
- 7.12 A separate ‘Heritage Statement’ is submitted as part of this proposal which considers the historic character and impact of the proposal on Heritage Assets.
- 7.13 It is understood that a standard storage container would appear garish and a poor-quality addition in this area. Although, it should also be mentioned that there are other storage containers within the vicinity and large industrial buildings which do not hold any architectural merit or have a positive impact on the character of the area. Nevertheless, it is acknowledged that this is an industrial area and the various business’ function, and purpose is paramount.
- 7.14 Taking the above into consideration, in order to improve the appearance of the container, the external elevations of the container would be faced with anthracite coloured cladding which would have a better appearance than the garish finish and colour of a container. Overall, this would have a better appearance and finish and would sit well amongst existing buildings in the vicinity. The hatch and openings would make it appear functional for its intended use. These changes are considered small and necessary and would not result in a negative impact to the appearance of the area.
- 7.15 In relation to the flue, this is a necessary element required by a commercial kitchen cooking business. The flue has been sited to the rear and rising above the roof of the container where it would have the least amount of impact on the appearance and character of the area. In addition, the container itself is not in a prominent location. The flue due to its positioning within the site itself would not be readily visible from public

vantage points. It would only be viewed from close quarters or from within the site itself against the backdrop of the larger industrial buildings.

- 7.16 The flue is a necessary element of the kitchen to disperse odours and therefore it should be acknowledged that there will be some form of flue. Also, there are other commercial properties nearby which have similar flues and commercial paraphernalia, as such the flue would not appear out of character.
- 7.17 Taking the above into account, and as evidenced, the appearance and positioning of the container and flue would not undermine the character of the area or the area as a whole and would be acceptable in this location. As such, overall appearance of the externally clad container is not considered harmful to the area and would be viewed as functional.
- 7.18 In light of the above, the proposed container unit would not be detrimental to visual amenity and would not harm the overall character and appearance of the area. As such, the proposal is considered appropriate and would accord with Policy LP24 of the Local Plan and the relevant parts of the NPPF.

#### Impact on Amenity

- 7.19 Policy LP52 (Protection and improvement of environmental quality) states that ‘proposals which have the potential to increase pollution from noise, vibration, light, dust, odour, shadow flicker, chemicals and other forms of pollution or to increase pollution to soil or where environmentally sensitive development would be subject to significant levels of pollution, must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment.
- 7.20 Such developments which cannot incorporate suitable and sustainable mitigation measures which reduce pollution levels to an acceptable level to protect the quality of life and well-being of people or protect the environment will not be permitted. Where possible, all new development should improve the existing environment’.

- 7.21 The building is located close to the busy Bradford Road in Batley. The surrounding area is characterised by a number of large and small industrial units. The nearest residential property is over 70m away on the other side of Bradford Road at Westbrook Terrace.
- 7.22 It is considered that the proposed flue to the rear of the unit would be in keeping with existing land uses around the area which also include areas of external storage, and industrial paraphernalia etc. It is however important to ensure that the proposal would not impact unduly on matters such as noise and odour pollution effects especially to the residential properties.
- 7.23 Given the nature of the property away from residential dwellings and hours of operation, it is considered that surrounding properties would still enjoy peace and quiet during the evening and night where they can relax and sleep in a quiet environment with little disturbance.
- 7.24 Therefore, the effect on residential amenity by reason of noise or odour nuisance would be minor given its location amongst commercial uses and away from residential dwellings. In light of the above it is considered that the provision of a flue is acceptable and in accordance with Policies of the Local Plan, and the National Planning Policy Framework.

### Highways

- 7.25 Policy LP21 of the Local Plan requires all proposals to ensure the safe and efficient flow of traffic within the development and on the surrounding highway network; and where needed, provide new infrastructure or improvements on or off site to ensure safe access from the highway network for pedestrians, cyclists, public transport users and private vehicles.
- 7.26 Paragraph 116 of the NPPF makes clear 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**’.

7.27 The plans submitted show at least 4-5 cars could be parked adjacent to the site as part of communal parking of the wider site, the existing two industrial bins are to be removed to make way for the parking. This is where employees and delivery vehicles would park. Larger communal parking space is also provided in the car park to the south of the site. The size of the yard area would allow vehicles turn so they can enter/exit the site in forward gear for road safety reasons.



7.28 **Above:** industrial bins to be removed to provide additional parking space.

7.29 It is considered large HGV vehicles which visit the site as existing would park in their respective industrial units as part of their delivery whilst drivers would walk to the proposed café. No new access points or internal roads are proposed or required. This is an established industrial area.

7.30 Given the location of the café, the proposed parking would be sufficient provision for a development of this size, as such the five communal car parking spaces provided are justified for this type of proposal. It should be acknowledged that the proposal would not result in intensification of the highway.

7.31 Bin storage would also be provided at the site and where refuse would also be collected from, similar to existing industrial units.

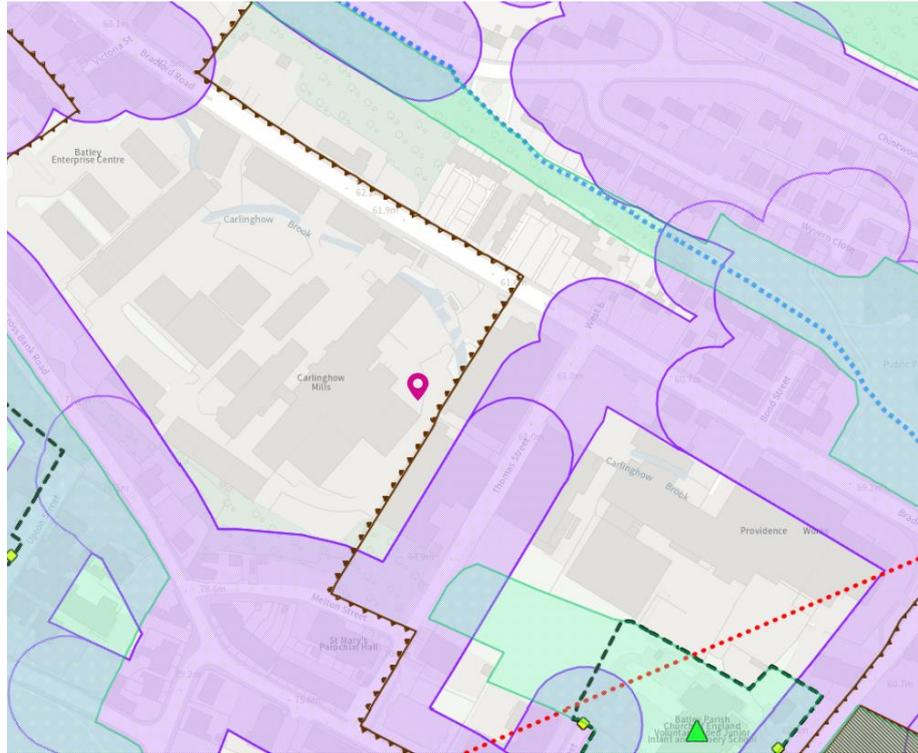
7.32 Given the details, it is considered the proposed development can safely be provided without resulting in harm to pedestrian and highway safety. The proposed development as demonstrated would be in accordance with the Councils Local Plan and the NPPF where the proposal would not have a severe cumulative impact. In addition, parking restrictions are in place where poor and awkward parking would be avoided.

#### Bin Storage

7.33 A bin storage area would be provided to the rear of the unit away from the main public vantage points. It is considered the proposed bin area would provide secure external storage of bins for the proposed use.

#### Healthy Eating

7.34 The map below indicates that the site is private and not accessible to school children. The mill complex does not have through roads or footpaths where school children can walk. Nevertheless, the aim of the café is to provide hot healthy meals, broths, and teas and coffees for drivers.



7.35 **Above:** Local Plan shows school children would be unaffected by the development; the mill complex is private property (Purple shade shows areas within 400m of a school).

## **8.0 CONCLUSION**

- 8.1 It has been demonstrated that the proposed development can be carried out in full compliance with the Council's policies in the Local Plan and the National Planning Policy Framework. The development would provide a good quality development which would bring a positive contribution for the mill complex without creating a significant detrimental impact on the amenity of the local occupiers, residents and businesses.
- 8.2 In addition, the development would bring an existing area of land that requires investment into an appropriate use, providing an enhancement to the land and the surrounding area. As such the proposal should be supported in full by the Council.
- 8.3 When considering future development, the Council should take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will work proactively with applicants jointly to find solutions, which means that proposals can be approved wherever possible, and to secure development that improves the economic, social, and environmental conditions in the area.

**APPENDIX**

The application site is located in flood zone 1. Land within flood zone 1 has a low probability of flooding from rivers and the sea. Most developments that are less than 1 hectare (ha) in flood zone 1 do not need a flood risk assessment (FRA) as part of the planning application. The site you have drawn is 0.01 ha.

