
Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 21-Mar-2019

Subject: Planning Application 2018/93195 Demolition of existing storage unit and erection of replacement storage unit (Class B8) Land at, William Street, Ravensthorpe, Dewsbury, WF13 3LW

APPLICANT

A Hussain

DATE VALID

19-Nov-2018

TARGET DATE

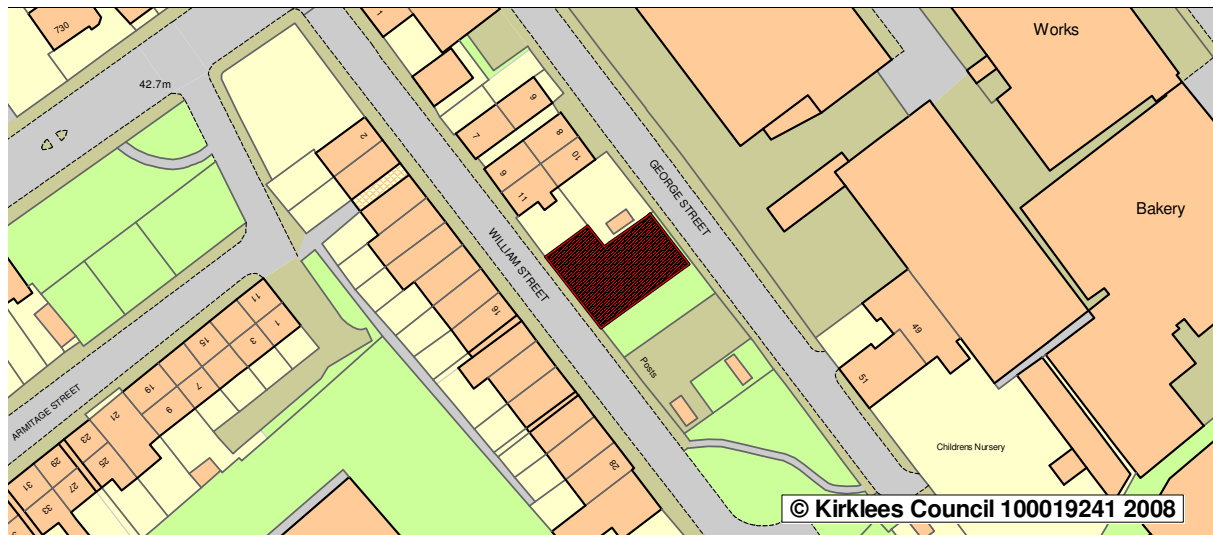
14-Jan-2019

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Dewsbury West

No

Ward Members consulted
(referred to in report)

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

1.1 The application is brought to the Heavy Woollen Sub-Committee due to the significant number of representations that have been received. This is in accordance with the Council's Scheme of Delegation.

2.0 SITE AND SURROUNDINGS:

2.1 The application site, which is located at William Street in Ravensthorpe, comprises of a piece of land to the rear of two residential properties and currently accommodates a small metal clad storage building, as well as domestic paraphernalia. The site is bounded by fencing and hedging and is on a similar level to the nearby residential properties.

2.2 Surrounding the site are industrial buildings to the north-east and south-east of the application site, with a row of terraced residential properties to the south-west and a pair of semi-detached dwellings to the north-west.

2.3 The site is unallocated on the Kirklees Local Plan.

3.0 PROPOSAL:

3.1 Planning permission is sought for the erection of a replacement storage building to the rear of no. 10 George Street and no. 11 William Street. The building would be 5 metres in overall height (3.4 metres to the eaves), it would be 14 metres in width and would be 8 metres in length.

3.2 The building would be constructed from dark green metal cladding for the external walls with some pebble dash render for the external walls. The roof would be constructed from metal sheeting and there would be a shutter in the front elevation.

- 3.3 The building would be used for the storage of mattresses and furniture and there would be a loading area for transit vans to the front of the building.
- 3.4 There would be two doorway access points to the building, as shown on the submitted plans, which would be accessed from George Street and William Street. The Design and Access Statement confirms that the main access to the building would be from George Street.
- 3.5 The existing storage unit on the site is proposed to be demolished.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 No relevant planning history

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

- 5.1 The case officer has been in negotiations with the agent to reduce the scale of the building in order to ensure that the impact on residential amenity is acceptable for the properties in close proximity to the site. The case officer has also been in contact with the agent with regards to the use of the building – this has now been clarified. The neighbouring occupiers have been notified of the amended plans.
- 5.2 *Figure 1: Comparison table of existing, originally proposed and revised proposal dimensions*

	Existing building	Original proposal	Revised proposal (amendments)
Overall height	4.25m	5.92m	5m
Eaves height	2 m	4.4m	3.4m
Length	6.3m	9m	8m
Width	6.7m	15m	14m

6.0 PLANNING POLICY:

- 6.1 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).
- 6.2 Kirklees Local Plan (KLP):

PLP1 (as modified) – Presumption in favour of sustainable development
PLP2 (as modified) – Place shaping
PLP21 (as modified) – Highway Safety
PLP22 (as modified) – Parking Provision
PLP24 (as modified) – Design
PLP27 (as modified) – Flood Risk
PLP28 (as modified) – Drainage
PLP52 (as modified) – Protection and improvement of environmental quality
PLP53 (as modified) – Contaminated and unstable land

6.3 National Planning Policy Framework:

Chapter 6 - Building a strong, competitive economy

Chapter 9 – Promoting sustainable transport

Chapter 12 – Achieving well designed places

Chapter 14 – Meeting the need for climate change, coastal change and flooding

Chapter 15 – Conserving and enhancing the natural environment

7.0 **PUBLIC/LOCAL RESPONSE:**

7.1 Following the initial publicity period, 8 representations against the application have been submitted. The comments raised are summarised as follows:

- Building will block light
- View will be ugly
- Vans coming to unlock stock will block the street and create an unsafe place for children
- Increased noise pollution – there will be no restriction so residents will be disturbed late in the evening/early morning
- Plenty of empty storage areas in Ravensthorpe, why not use those
- Not appropriate in residential area
- Busy street for parking
- Currently being used for restoring vehicles as a hobby
- Causes people to get blocked in – if there was an emergency, couldn't get out
- This area is not for business
- No objection if building was same height as old one and entrance from William Street was blocked up
- If business doesn't work, could sell to someone who could run a noisy business from there
- Council should be encouraging the use of vacant storage buildings rather than allowing new ones in residential areas
- Old Keelings factory has been vacant for years, the council could buy it and sub-let areas of it.

7.2 A petition has been also been submitted which contains 21 signatures.

7.3 Following the extended publicity period, no further comments have been received.

7.4 Officer comments in response to the representations will be made in the report below.

8.0 **CONSULTATION RESPONSES:**

8.1 **Statutory:**

K.C. Highways Development Management – No objection

Local Lead Flood Authority – No objection

8.2 Non-statutory:

K.C Environmental Health – No objection subject to conditions

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Landscape issues
- Housing issues
- Highway issues
- Drainage issues
- Planning obligations
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The site is without notation on the Kirklees Local Plan (KLP). Policy PLP1 (as modified) of the KLP 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. Policy PLP24 (as modified) of the KLP is relevant and states that “good design should be at the core of all proposals in the district”. Residential amenity, highway safety and flood risk will also be assessed in this report below.
- 10.2 Chapter 6 of the NPPF discusses how planning decisions should assist businesses to expand. This is considered to be relevant in this instance as the Design and Access Statement submitted with the application states that the storage building would be available to support local businesses, thus generating sustainable economic development.

Urban Design issues

- 10.3 The proposed building is larger in scale than the existing structure and would be constructed from metal cladding and pebble dash render to give an industrial appearance. Within close proximity to the application site, there is an industrial area that accommodates buildings of a similar appearance to that which is proposed, albeit on a much larger scale. Given there is a varied character in this mixed use area, which also includes residential dwellings, Officers consider that the proposed storage building would not appear out of place within this context, especially considering the existing building on the site.
- 10.4 In terms of the impact on the streetscene, the building would be visible and would project above the existing hedge and fence boundary treatments around the site. However, given that the eaves height has been reduced to 3.4 metres from the originally proposed eaves height of 4.4 metres, a large amount of the bulk and massing would be screened, thus reducing its visible impact.

- 10.5 The building would be functional in its design and materials and would be similar to the surrounding industrial buildings, albeit of a smaller scale. Given the reduction in scale that Officers have negotiated during the course of the application (and as set out in *Figure 1* in paragraph 5.2), the scale and siting of the building would mean that it would not be overly dominant. The section drawing submitted shows the building within the context of the nearby properties, with the height being sympathetic to the scale of these dwellings, and with the materials and openings also being acceptable for the use of the building. The proposed palette of materials is varied which would help to break up its bulk and create an acceptable visual appearance. The form, scale and details of the development are considered by Officers to respect the character and landscape of the area, thus complying with Policy PLP24 (a) (as modified) of the KLP and Paragraph 127(c) of the NPPF.
- 10.6 The reduced height and length of the building from the original proposal means that its scale, in the opinion of officers, would be acceptable. It would not overly dominate the surroundings and would not appear out of place. The building would not result in overdevelopment of the site – there would be an area to the front of the building which would be hardstanding which is appropriate in this context. The building would not harm the character of the area where there is no predominant urban form.
- 10.7 Taking into account the above, Officers consider that the proposed development would, on balance, be acceptable from a visual amenity perspective, complying with Policy PLP24 (as modified) of the KLP and Chapter 12 of the National Planning Policy Framework.

Residential Amenity

- 10.8 The impact on residential amenity is considered by officers to be, on balance, acceptable. No objections have been raised in regards to overbearing or overlooking as a result of the proposed development.
- 10.9 It is acknowledged that the building would be located in close proximity to the row of terraced properties and the pair of semi-detached dwellings, all of which have habitable room windows in the elevations facing the application site. For this reason, careful consideration needs to be given to the impact on residential amenity.
- 10.10 Following receipt of amended plans to reduce the scale of the replacement building, which in turn increases the distance to the neighbouring semi-detached dwellings from that of the original proposal, Officers are satisfied that the proposal would not cause undue detrimental harm to the amenity of the occupiers of surrounding properties and that the proposal complies with Policy PLP24 (as modified) of the KLP which states “proposals should provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings”.

- 10.11 There would be a distance of 15.2 metres between the front elevation of the storage building and the neighbouring semi-detached dwellings at no. 10 George Street and no. 11 William Street as proposed. Whilst the overall height of the building would increase, this would only be by 0.75 metres, with the eaves height also increasing by 1.4 metres. The section drawing submitted during the course of the application demonstrates the relationship that would result between the proposed replacement building and the dwellings; this is considered satisfactory by officers, especially given the changes to the roof form from a gable roof to hipped roof form which was secured during the course of the application. This results in a reduction in the overall bulk and massing of the building, with the bulk being significantly reduced (from the originally proposed scheme), with the roof also sloping away from the boundary. The distance to the boundary of the gardens has been increased from the original proposal too. Considering the above factors, the impact on these habitable room windows and the private amenity space of these neighbouring properties in relation to dominance and overshadowing is considered, by Officers, to be acceptable. The proposed situation would not be significantly detrimental to residential amenity.
- 10.12 In terms of the relationship with the row of terraced houses to the south-east of the site, given that the existing building is a relatively large structure, consideration needs to be given to the additional harm that would arise as a result of an increased height. There would be a distance of 11.4 metres between the proposed storage building and the row of terraced dwellings. The reduction in the eaves height from 4.4 metres (original proposal) to 3.4 metres (amended proposal) means that the bulk and massing of the storage building would not have a direct relationship with the first floor windows of the nearby domestic properties. Considering this relationship and the distance between the buildings means that, in the opinion of officers, the proposed development would not have a significant overbearing impact over and above the existing situation.
- 10.13 To the north-east side, there would be no impact on residential amenity. There are no habitable spaces within the industrial areas and the use of the proposed building is compatible with these industrial processes.
- 10.14 To the rear of the site, there is an outline planning permission for residential development that is currently pending consideration (application reference 2016/94290). There would be a distance of over 20 metres between the rear elevation of the proposed dwellings and the application site boundary (with approximately 11 metres from the rear boundary of the George Street site). Given this distance and the scale of the proposed building, as well as the fact that the proposed layout of the residential development is only indicative at this stage, officers consider that the storage building would not prejudice the use of the land to the rear for residential purposes.
- 10.15 Given the use of the building for storage purposes and the fact that the openings are doorways to provide access to the building would mean that there would be no detrimental overlooking impact from the building into the amenity space or habitable room of nearby residential units. Furthermore, a condition has been recommended to ensure that the building is used for storage only.

- 10.16 In terms of noise, the proposal would not result in additional noise over and above the existing situation given the use of the building as storage for mattresses and furniture (as confirmed by the applicant's agent). No industrial processes would be undertaken in the storage building and any associated vehicular movements are not considered to be harmful in respect of noise given the existing industrial buildings in close proximity to the site, as well as the small scale of the development proposal. It is not likely that more than one vehicle would visit the site at any one time, thus noise levels are not considered to rise significantly above the existing situation, complying with Policy PLP52 (as modified) of the KLP and Paragraph 170 (e) of the NPPF which states that planning decisions should prevent new development from contributing to noise pollution.
- 10.17 Overall, the proposal is considered to be, on balance, acceptable from a residential amenity perspective, compliant with Policies PLP24 and PLP52 (as modified) of the KLP and guidance with the National Planning Policy Framework, in particular, Paragraph 127 (f) of Chapter 12 and Paragraph 170 (e) of Chapter 15.

Highway issues

- 10.18 A number of representations have been received relating to highway safety concerns. Highways Development Management (HDM) have been consulted on the application which proposes to erect a large replacement storage building in place of the existing structure. There would be an off-street loading area for a delivery van.
- 10.19 The main access would be from George Street where there are already a number of industrial/commercial uses using this street as an access, thus confirming that this street can accommodate small transit vans for this purpose.
- 10.20 Given that the building is for storage, and it is of a relatively modest size, HDM do not consider there to be a significant level of vehicular movements to and from the site, thus ensuring that the proposal would not represent an intensification of the use of the site.
- 10.21 Due to the bulky nature of the items for storage, they would likely be dropped off one at a time, with delivery vehicles using the dedicated area to the front of the building for parking and unloading. Given that the building would be used for storage purposes only, there would be no need for staff parking.
- 10.22 Considering the above, it is considered that there would be no highway safety issues and the parking at the site is acceptable. The proposal would not result in displacement of additional vehicles onto the highway.
- 10.23 Taking the above into account, the proposal is considered acceptable from a highway safety and efficiency perspective, complying with Policies PLP21 (as modified) and PLP22 (as modified) of the KLP and Chapter 9 of the NPPF.

Drainage issues

- 10.24 The Local Lead Flood Authority (LLFA) has been consulted on the proposal as the site and its surroundings lie within Flood Zone 2. The LLFA initially commented on the application to advise that the Flood Risk Assessment (FRA) was not comprehensive enough and that there was no surface water drainage strategy provided.
- 10.25 Following correspondence between the case officer, agent and the LLFA, an amended FRA was submitted. The amended FRA has been reviewed by the LLFA and is considered to be acceptable. A condition has been recommended to ensure that the development is carried out in accordance with this document.
- 10.26 It is noted that a surface water drainage strategy has not been provided and therefore the LLFA uphold their initial objection on this basis. The case officer has been advised that a drainage strategy can be secured by condition and therefore Officers are satisfied that the development is acceptable in terms of flood risk, with the inclusion of conditions.
- 10.27 As such, subject to the inclusion of the above suggested conditions, the proposal complies with Policy PLP28 (as modified) of the KLP and Chapter 14 of the NPPF.

Representations

- 10.28 Eight representations, along with a petition containing 21 signatures, was received as a result of the initial publicity of the application. The concerns raised are summarised below and addressed by officers as follows:

- Will block light

Officer comment: see residential amenity section of this report. The scale of the building and the distance between the buildings is considered to be acceptable to ensure a reasonable level of amenity.

- View of the building will be ugly:

Officer comment: The design of the building is functional and is similar in appearance to other buildings in the area.

- Vans coming to unlock stock will block the street and create an unsafe place for children. If there was an emergency, residents couldn't get out.

Officer comment: see highway safety section of this report. The use of the building is not considered to result in intensification of the site.

- Increased noise pollution – there will be no restriction so residents will be disturbed late in the evening/early morning

Officer comment: A condition has been recommended with regards to the hours of operation to ensure that the level of amenity for occupiers is acceptable. K.C Environmental Health do not object to the application.

- Plenty of empty storage areas in Ravensthorpe, why not use those. Not appropriate in residential area, this area is not for business (the unit is currently used for restoring vehicles as a hobby)

Officer comment: The application site has to be assessed on its own merits. In very close proximity to the application site, there is an industrial/commercial area. Officers are therefore of the opinion that this is a mixed use area whereby the proposed use of the building would be appropriate.

- Busy street for parking

Officer comment: see highway safety section of this report. The proposal is not considered to intensify on-street parking at or within close proximity to the site.

- No objection if building was same height as old one and entrance from William Street was blocked up

Officer comment: amendments have been sought to reduce the scale of the building. Whilst it is acknowledged that the building would be larger than that which exists on site, it is not considered to be harmful to either visual or residential amenity. In addition, HDM have no objection to the proposed access.

- If business doesn't work, could sell to someone who could run a noisy business from there

Officer comment: a condition has been recommended to ensure that the building is used as storage purposes only in order to protect residential amenity and highway safety.

- Council should be encouraging the use of vacant storage buildings rather than allowing new ones in residential areas/ old Keelings factory has been vacant for years, the council could buy it and sub-let areas of it.

Officer comment: this is not a material planning consideration.

Other Matters

10.29 No other matters are considered relevant to the determination of this application.

11.0 CONCLUSION

11.1 To conclude, there is an existing building located on the site which is used for storage purposes. This proposal is to erect a larger building on the site for the same purposes. It is therefore considered that, with the inclusion of the suggested conditions set out in section 12.0 below, the proposal would have minimal impact with regards to visual amenity, residential amenity, highway safety and flood risk as discussed in the above report.

11.2 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.

11.3 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.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)

1. Standard timeframe for implementation (3 years)
2. Development in accordance with plans
3. Facing and roofing materials
4. Vehicle parking areas to be of permeable surfacing
5. Electric charging points
6. Hours of use (deliveries to or dispatches from the premises should not take place outside the times of 08:00 to 18:00 Monday to Saturday. No activities to take place on Sundays or Bank Holidays).
7. Building shall only be used for storage purposes
8. Reporting of unexpected land contamination
9. Air quality impact assessment determining the introduction of receptors into an area of poor air quality
10. Submission of a drainage strategy
11. Development to be carried out in accordance with the submitted Flood Risk Assessment (prepared by Innervision Design Ltd, updated December 2018)

Background Papers:

Application documents can be viewed using the link below:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018/93195>

Certificate of ownership – Certificate A signed and dated: 28/09/2018