
Report of the Head of Development and Master Planning

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 25-Jul-2019

Subject: Planning Application 2019/91068 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

01-Apr-2019

TARGET DATE

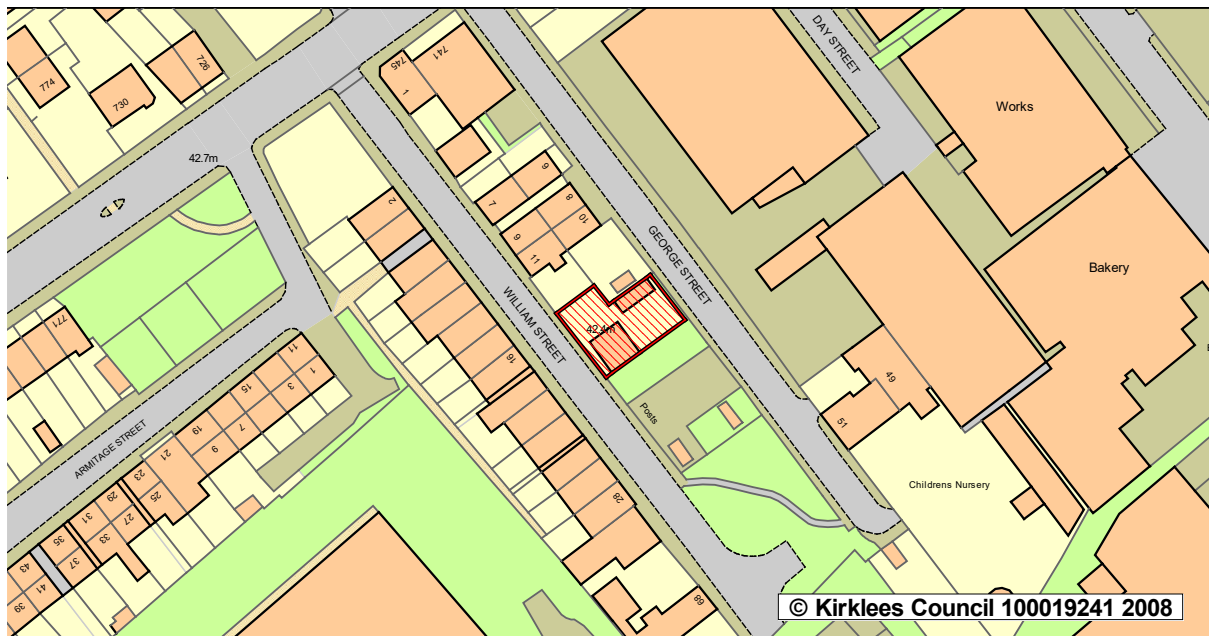
27-May-2019

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 Development and Master Planning in order to complete the list of conditions including those contained within this report and issue the decision.

1.0 INTRODUCTION:

- 1.1 The application is brought to the Heavy Woollen Sub-Committee due to the previous committee involvement at the site. This is in accordance with the Council's Scheme of Delegation and has been confirmed by the Chair of the Heavy Woollen Planning Sub Committee.
- 1.2 Since the previous refusal (2018/93195), amendments have been made to the position of the access. Access to the building will be taken from William Street, rather than George Street and there will be a loading area to the front of the building (in close proximity to the amenity space of no. 11 William Street) for one transit vehicle to be accommodated on site whilst goods are being loaded and unloaded.
- 1.3 As a result of changes to the access, there are also changes to the position of the openings within the building, with the roller shutter being moved to the front elevation facing no. 11 William Street and no. 10 George Street.

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 one doorway access point to the building and one roller shutter access point as shown on the submitted plans. The storage building would be accessed from William Street. The Design and Access Statement confirms that the main access to the building would be from William 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 2018/93195 – Demolition of existing storage building and erection of replacement storage building (Class B8) REFUSED by Heavy Woollen Planning Committee on 14th March 2019

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

- 5.1 The case officer has been in discussions with the applicant's agent who was requested to provide additional justification in relation to the proposed access coming from William Street. Additional justification has been provided in the Design and Access Statement, with amended plans also showing off road parking for the associated transit vehicles. Officers consider this information to be, on balance, acceptable.

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).

The site is unallocated on the Kirklees Local Plan.

- 6.2 Kirklees Local Plan (KLP):

LP1 – Presumption in favour of sustainable development

LP2– Place shaping

LP21– Highway Safety

LP22– Parking Provision

LP24– Design

LP27– Flood Risk

LP28– Drainage

LP52– Protection and improvement of environmental quality

LP53 – 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 Two representations have been received as a result of the original publicity period (one of which contains six signatures). The comments raised are summarised as follows:

- Noise associated with unloading and loading furniture and mattresses – will disturb residents
- Existing garage was used for residential purposes, not commercial/industrial so should not become one
- Residential plot of land close to site – this may also be used for industrial purposes in the future
- Whole area will become industrial area – cause noise and disturbance problems
- Could be used for something other than the storage of furniture/ mattresses
- Plenty of vacant units in Dewsbury – council should be encouraging businesses to use these, rather than building new units.
- Old Keelings factory has been closed for years – council could invest and sublet.
- Parking will be a problem
- Congestion – existing overcrowding will be made worse
- Loss of privacy
- Noise pollution
- Unknown strangers will be entering the street – this is not healthy
- Hazards from vehicles coming and going

7.2 No further representations have been received as a result of the amended plan publicity period.

7.3 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 subject to conditions.

Local Lead Flood Authority – No objection

The Environment Agency – No comments have been received.

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 LP1 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 LP24 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.
- 10.3 The principle of development was not a reason for refusal of the previous permission 2018/93195 and there has been no change in National Policy since that refusal. It is acknowledged that the previous application was considered in relation to the Kirklees Unitary Development Plan which has now been replaced by the adopted Kirklees Local Plan; this does not however impact upon the principle of development as the site remains unallocated.

Urban Design issues

- 10.4 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.

- 10.5 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 as part of the previous application, a large amount of the bulk and massing would be screened, thus reducing its visible impact.
- 10.6 The building would be functional in its design and materials and would be similar to the surrounding industrial buildings, albeit of a smaller scale. The scale and siting of the building would mean that, on balance, the proposed storage building 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 LP24 (a) of the KLP and Paragraph 127(c) of the National Planning Policy Framework.
- 10.7 The height and length of the building 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.
- 10.8 Taking into account the above, Officers consider that the proposed development would, on balance, be acceptable from a visual amenity perspective, complying with Policy LP24 of the KLP and Chapter 12 of the National Planning Policy Framework. It should also be noted that, as part of the consideration of the application by the Heavy Woollen Planning Sub-Committee previously, the application was *not* refused on visual amenity grounds.

Residential Amenity

- 10.9 The impact on residential amenity is considered by officers to be, on balance, acceptable.
- 10.10 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. The access to the site is also now proposed to be located close to neighbouring properties and therefore consideration has also been given to associated commercial vehicle movements associated with the unloading and loading of furniture and mattresses. This will be assessed below.
- 10.11 During the course of the previous planning application, consideration was given to the scale of the building. This was considered by Members to be, on balance, acceptable and therefore did not form a reason for refusal of the previous scheme. The scale of the building remains as previously considered by Members, with a distance of 15.2 metres between the front elevation of the building and the dwellings at no. 10 George Street and no. 11 William Street.

- 10.12 Officers are satisfied that the physical structure of the proposed building 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”.
- 10.13 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 previous 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.
- 10.14 As well as the structure itself, the loading area for the ford transit vehicles will be located close to the private amenity space of this neighbouring dwelling and therefore noise and disturbance has to be considered as a result of vehicular movements associated with the use. The case officer has considered the extent to which this will have a detrimental impact on the enjoyment of the private amenity space of these dwellings to the northwest. The case officer has requested that the agent provides additional justification for the use of this space for vehicle turning.
- 10.15 The agent’s justification statement contends that the vehicular access to the storage building is utilising an existing access and that one vehicle visiting the site at any one time would not give rise to a detrimental impact on amenity. The agent has also confirmed that the storage building would not be visited more than once or twice a day.
- 10.16 Whilst it is acknowledged that the proposed storage building is now larger than the existing building and will be for an industrial/commercial purpose, considering the above justification, along with the recommended conditions which will limit the opening hours and the number of trips to the site, it is considered by officers that, on balance, the impact on residential amenity is acceptable. The resultant vehicular movements are not considered to, on balance, result in a significantly harmful effect on neighbouring occupiers. K.C Environmental Health have not raised an objection subject to a condition restricting hours of operation.

- 10.17 The proposal would not result in additional noise over and above the existing situation given the use of the existing building as storage for mattresses and furniture (as confirmed by the applicant's agent). As discussed above, 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 LP52 of the KLP and Paragraph 170 (e) of the NPPF which states that planning decisions should prevent new development from contributing to noise pollution.
- 10.18 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 eaves height of 3.4 metres 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.
- 10.19 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.
- 10.20 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.
- 10.21 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.
- 10.22 Overall, the proposal is considered to be, on balance, acceptable from a residential amenity perspective, compliant with Policies LP24 and LP52 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

- 10.23 The previous planning application ref. 2018/93195 was refused by Members for the following reason:

“The proposed replacement storage building, by virtue of the inadequate access from George Street and lack of parking and turning facilities within the site, would result in a considerable level of traffic movements which would cause over intensification of the site leading to significant highway safety issues. To approve the application, which is not considered to be able to be accessed effectively and safely by all users, would be contrary to Policies PLP21 (as modified) and PLP22 (as modified) of the Kirklees Local Plan”.

- 10.24 Consideration was therefore given to the previous reason for refusal when assessing the proposed development on highway safety grounds. Extensive site visits have been undertaken to further understand the typical access arrangements on William Street and George Street.
- 10.25 William Street is a residential street with dwellings fronting the highway. There is no off street parking spaces for these dwellings, with vehicles being parked on the highway. At the time of the site visits, the streets and hardstanding area to the south east of the site were up to full capacity. Concern was therefore raised about the capacity of the street to accommodate further parking for a transit type vehicle associated with the proposed storage building.
- 10.26 The amended plans show access to the proposed storage building being taken from William Street, with associated hardstanding for parking to the rear of no. 11 William Street. The plans also show an off-street loading area for a delivery van and the proposed development would utilise an existing access from William Street.
- 10.27 Given that the building is for storage which is the same as the existing use, and the building is of a relatively modest size, Highways Development Management 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 a significant intensification of the use of the site. A condition has been recommended to ensure that the development is carried out in accordance with the submitted Design and Access Statement, meaning that the number of trips to the site will be limited.
- 10.28 The agent has confirmed that 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 for parking and unloading as shown on the block plan. Given that the building would be used for storage purposes only, there would be no need for staff parking. The parking is off the public highway and therefore is unlikely to cause significant highway safety issues
- 10.29 Considering the above, it is considered that there would be no undue highway safety issues and the parking and access at the site is, on balance, acceptable. The proposal would not result in the displacement of additional vehicles onto the highway and is considered, by officers, with the inclusion of appropriate conditions to have addressed the previous concerns raised by members in relation to the previously refused application.

- 10.30 Taking the above into account, the proposal is considered, on balance, acceptable from a highway safety and efficiency perspective, complying with Policies LP21 and LP22 of the KLP and Chapter 9 of the NPPF.

Drainage issues

- 10.31 The Local Lead Flood Authority (LLFA) was consulted on the previous application as the site and its surroundings lie within Flood Zone 2. The LLFA commented on the previous application to advise that the Flood Risk Assessment (FRA) was not comprehensive enough and that there was no surface water drainage strategy provided.
- 10.32 Following correspondence between the case officer, agent and the LLFA during the course of the previous application, an amended FRA was submitted. The amended FRA was 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 submitted under 2018/93195.
- 10.33 It is noted that a surface water drainage strategy has not been provided and therefore the LLFA previously upheld 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.
- 10.34 As such, subject to the inclusion of the above suggested conditions, the proposal complies with Policy LP28 of the KLP and Chapter 14 of the NPPF.

Representations

- 10.35 Two representations were made as a result of the original planning application (one representation contained six signatures), raising the points below which are addressed by officers as follows:
- Noise associated with unloading and loading furniture and mattresses – will disturb residents
Officer comment: *See residential amenity section of this report. Officers recommend a condition restricting the number of trips to the site and the hours of use.*
 - Existing garage was used for residential purposes, not commercial/industrial so should not become one
Officer comment: *this is noted.*
 - Residential plot of land close to site – this may also be used for industrial purposes in the future
Officer comment: *there is no planning application for this site for industrial purposes.*
 - Whole area will become industrial area – cause noise and disturbance problems
Officer comment: *this application has been assessed on its own merits. If future applications are submitted, these will be assessed in relation to noise and disturbance.*

- Could be used for something other than the storage of furniture/ mattresses
Officer comment: *a condition has been recommended that the use of the building is tied down to the storage of furniture and mattresses.*
- Plenty of vacant units in Dewsbury – council should be encouraging businesses to use these, rather than building new units.
Officer comment: *the proposed development as submitted has to be considered.*
- Old Keelings factory has been closed for years – council could invest and sublet.
Officer comment: *see above comment.*
- Parking will be a problem/ congestion – existing overcrowding will be made worse
Officer comment: *see highway safety section of this report.*
- Loss of privacy
Officer comment: *see residential amenity section of this report.*
- Noise pollution
Officer comment: *see residential amenity section of this report.*
- Unknown strangers will be entering the street – this is not healthy for residents
Officer comment: *this is not a material planning consideration.*
- Hazards from vehicles coming and going
Officer comment: *see highway safety section of this report.*

No representations were made as a result of the amended publicity period.

Other Matters

10.36 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 (and is unrestricted in terms of hours of use / vehicular movements etc). 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, on balance, an acceptable 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 Development and Mater Planning)

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. Submission of a drainage strategy.
10. Development to be carried out in accordance with the Flood Risk Assessment (prepared by Innervision Design Ltd, updated December 2018) submitted under 2018/93195.
11. Development to be carried out in accordance with the revised Design and Access Statement.

Background Papers:

Application documents can be viewed using the link below:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/>

Certificate of ownership – Certificate A signed and dated: 30/03/2019

Previously refused application can be viewed using the link below:-

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f93195+>