
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 23-Jan-2020

Subject: Planning Application 2019/93633 Erection of first floor extension and alterations 230, Cumberworth Lane, Denby Dale, Huddersfield, HD8 8PR

APPLICANT

Chris Walker, Walker
Builders Ltd

DATE VALID

13-Nov-2019

TARGET DATE

08-Jan-2020

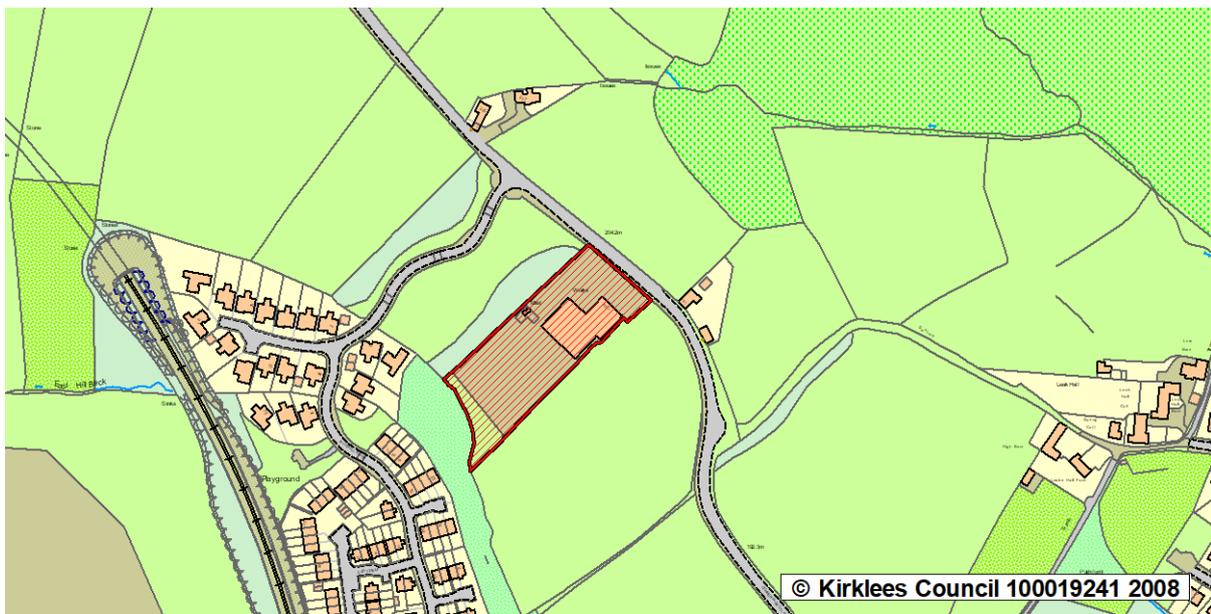
EXTENSION EXPIRY DATE

24-Jan-2020

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: Denby Dale Ward

Y

Ward Members consulted
(referred to in report)

RECOMMENDATION:

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

1.0 INTRODUCTION:

- 1.1 The application is submitted in full for the refurbishment and alteration of existing single storey wing on the front elevation to include mezzanine floor and alterations to remainder of building.
- 1.2 The application is brought to Strategic Planning Committee for determination in accordance with the Council's Scheme of Delegation as the scheme is for non-residential development on a site in excess of 0.5 hectares.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is approximately 0.7 hectares in size and slopes slightly downhill from north to south. The site is accessed from Cumberworth Lane.
- 2.2 The site is currently vacant and consists of a large portal framed building which is rectangular in form, with a lower wing projecting from its front elevation, giving an overall 'L' shaped footprint. Both elements of the building comprise a blockwork plinth approximately 1.8 metres high together with green profile sheet walls above and shallow pitched roofs. The building is surrounded by hard surfacing and the site frontage with Cumberworth Lane is delineated by a low stone wall, with an opening in it to provide vehicular access at the northern end. A telecommunications mast also exists within the site, close to its northwest boundary.
- 2.3 The site is within the Green Belt.
- 2.4 There are no trees of significant size or age within the site. Tree Preservation Orders protect several trees to the northwest and southwest of the application site.
- 2.5 The site is not within a conservation area. The nearest listed building is the Denby Dale Methodist Church, located approximately 400m to the southeast of the application site.
- 2.6 To the west of the site is the Bromley Park development. Other land and buildings surrounding the application site are in agricultural and residential use.

3.0 PROPOSAL:

- 3.1 The proposals comprises the refurbishment, adaptation and first floor extension of the existing single storey wing on the front elevation.
- 3.2 The proposal will result in in a two storey flat roof built form covered in a Sedum style 'green roof.' The proposed extension will result in an increase in the site's overall building volume of 465 cubic metres, which equates to a 6% increase. This element of the building will be re-clad with a combination of dark grey flat panels and glazing and will incorporate ancillary office accommodation and meeting space.
- 3.3 The larger building to the rear will continue to be used as a warehouse. It will be refurbished with the repositioning of loading doors to the rear of the building and recladding of the external elevations with the same dark grey cladding materials.
- 3.4 Landscaping works are also proposed as part of the development which will include a landscaped areas to the front of the building and the rebuilding of the boundary stone wall.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 In relation to previous planning applications, of direct relevance are:

2018/93001 – Conditional Outline planning permission granted 10/1/2019 for residential development.

2017/90045 – Details approved 26/01/2017 (prior notification) for demolition of industrial workshop.

2015/90207 – Conditional Outline planning permission granted 20/11/2015 for residential development.

2014/91976 – Certificate of Lawfulness granted 12/09/2014 for the erection of an extension, and relocation of car parking and vehicle turning area.

2006/92434 – Planning permission granted 10/08/2006 for the formation of an extension to storage / parking area, and setting out of layout, storage, parking and landscaping.

2005/94330 – Application (for retrospective planning permission for formation of an extension to storage / parking area, and setting out of layout, storage, parking and landscaping) withdrawn 03/01/2006.

2002/94460 – Planning permission granted 16/05/2003 for replacement of existing 15m mast with 20m mast, erection of equipment cabin and relocation of antennas with ancillary development.

2000/93479 – Planning permission granted 10/05/2001 for erection of office extension.

2000/90137 – Planning permission granted 14/03/2000 for erection of office extension.

99/92855 – Planning permission granted 13/01/2000 for erection of a cement storage silo.

99/90732 – Planning permission granted 21/06/1999 for erection of workshop with offices.

98/91842 – Details approved 16/07/1998 (prior approval) for erection of polar antennas and cabin.

97/93130 – Planning permission granted 05/01/1998 for erection of factory extension.

97/91278 – Details approved 05/06/1997 (prior approval) for erection of freestanding tower with equipment housing.

- 4.2 To understand what can be considered as the ‘original building,’ in relation to green belt policy, officers have researched the following planning applications and found the following information.

99/90732 – Erection of workshop with offices

- 4.3 At the time of the application in 1999 the owner stated that the existing building did not meet the needs of the business (manufacturing reinforced concrete and artificial stone products). The proposal was to ‘progressively demolish the existing buildings and build new works over them.’
- 4.4 This permission was implemented. There is some doubt as to whether the whole of the previous building was demolished or whether some part of the building was retained (that part which today projects closest to the road).

2000/90137 – Erection of office extension to works and 2000/93479 erection of office extension to works (modified proposal)

- 4.5 This permission granted a narrow and subservient extension along the south east elevation of that part of the building closest to the road. This permission has been implemented.

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

- 5.1 Written pre-application advice was provided on 30/10/2019 for a similar proposal but also for the erection of a number of single storey B1 light industrial/starter units, sited behind the existing built form. A landscape buffer was also introduced along the southern boundary and a stock yard provided for additional materials to be stored.
- 5.2 Officers considered that the proposed scale of development would have an unacceptable, adverse effect upon the openness of the greenbelt, contrary to paragraphs 143 and 144 of the NPPF. Furthermore, it was considered that the information submitted did not demonstrate very special circumstances that would outweigh the harm the development would cause.
- 5.3 The letter stated that support may be given by officers if a high quality designed ancillary element to the front of the building was just proposed, which would replace an existing ancillary built element.
- 5.4 Since the submission of the planning application, discussions and email correspondence between the agent and officers have taken place regarding what can be considered as the ‘original building.’ This is reported within section 10.0 of the report. A request was also made for a detailed landscape plan, which was provided.
- 5.5 At the time of writing this report, officers requested further information in relation to the proposed business use and operation of the site. A request has also been made for the applicant to agree to additional soft landscaping features to the side and rear site boundaries to further protect and enhance amenity and increase biodiversity. It is intended for these matters to be reported within the planning committee update.

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).

Kirklees Local Plan (2019):

- 6.2 The relevant Local Plan policies are as follows:
- LP1 – Presumption in favour of sustainable development
 - LP2 – Place Shaping
 - LP3 – Location of new development
 - LP4 – Providing Infrastructure
 - LP7 – Efficient and effective use of land and buildings
 - LP8 – Safeguarding employment land and premises
 - LP9 – Supporting skilled and flexible communities and workforce
 - LP10 – Supporting the rural economy
 - LP19 – Strategic transport infrastructure
 - LP21 – Highway safety and access
 - LP22 - Parking
 - LP24 – Design
 - LP28 – Drainage
 - LP30 – Biodiversity and Geodiversity
 - LP32 – Landscape
 - LP35 – Historic Environment
 - LP38 – Minerals safeguarding
 - LP47 – Healthy, active and safe lifestyles
 - LP51 – Protection and improvement of local air quality
 - LP52 – Protection and improvement of environmental quality
 - LP53 – Contaminated and unstable land
 - LP57 – The extension, alteration or replacement of existing buildings
 - LP59 – Brownfield sites in the Green Belt
 - LP60 – The re-use and conversion of buildings
- 6.3 On the policies map, the site is shown as being within the Green Belt and being within a SCR with Sandstone and/or Clay minerals safeguarding area. The proposal site is within the Pennine Foothill Biodiversity Opportunity Zone. Its northern and western boundaries are adjacent to woodland areas that form part of the Wildlife Habitat Network.

Supplementary Planning Guidance / Documents:

- 6.4 Relevant guidance and documents are:
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
 - Highways Design Guide Supplementary Planning Document (2019)

National Planning Guidance:

- 6.5 The National Planning Policy Framework (2019) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal.
- 6.6 Relevant chapters are:
- Chapter 2 – Achieving sustainable development
 - Chapter 4 – Decision-making
 - Chapter 6 – Building a strong, competitive economy
 - Chapter 8 – Promoting healthy and safe communities
 - Chapter 9 – Promoting sustainable transport
 - Chapter 11 – Making effective use of land
 - Chapter 12 – Achieving well-designed places
 - Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
 - Chapter 15 – Conserving and enhancing the natural environment
- 6.7 Since March 2014 Planning Practice Guidance for England has been published online.

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application was advertised with the erection of 4no. site notices and neighbour notification letters. The period for commenting on the application ended on Monday 23 December 2019. One letter of support was received, which stated:

“When seeing this application in the local submissions, I was both surprised and delighted to see that the site and buildings are going to be redeveloped more in line with its current use, as opposed to yet another housing development. The new extension will compliment the existing buildings and I expect will secure the future for this commercial/industrial site for years to come I therefore support this application.”

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Coal Authority – No objection.

Environment Agency- No comments.

K.C. Highways Development Management – No objection subject to conditions requiring the provision of a 2.0m wide footway to Cumberworth Lane and turning facilities to be provided in line with the submitted drawings.

K.C. Lead Local Flood Authority – No comments.

Yorkshire Water – No comments received.

8.2 Non-statutory:

Denby Dale Parish Council – No objections.

KC Biodiversity Officer – No objection to the proposals, subject to conditions securing the ecological measures described in the supporting ecological information and ensuring that no significant ecological harm or harm to the function and connectivity of the Kirklees Wildlife Habitat Network.

KC Conservation and Design – The proposed development would be an improvement on the existing building. The current boundary has been poorly repaired in the past with clay pipes or similar used as topstones/ coping stones. The drystone boundary wall should be rebuilt as a drystone wall with vertical topstones to match the wall separating 230 Cumberworth Lane from the adjacent housing site. Subject to amendments or a condition regarding the boundary wall, Conservation and Design have no concerns on design grounds.

KC Environmental Health – No objection, subject to conditions requiring additional information in relation to land contamination, noise, electric vehicle charging points and external artificial lighting. However, the Environmental officer has verbally acknowledged that given the site's previous permitted use as a workshop and offices and subject to the receipt of additional information that there may not be a requirement of a condition requesting a noise impact assessment.

KC Landscape – No objection to the proposals, subject to the imposition of a condition securing landscape measures that mitigate harm and potential adverse visual impact although additional planting to the south would be beneficial. There are opportunities for additional mitigative planting to the rear of the warehouse to the south eastern boundary which would be beneficial. This area has not been included on the plan 3607/1 and native planting along this edge would provide additional screening and also enhance opportunities for habitat creation extending and linking to the existing green corridor.

KC Trees – No objection subject to a condition being imposed for details of any additional tree works required during the construction process that is not identified within the submitted information.

Yorkshire Wildlife Trust – Support KC Biodiversity Officer comments.

West Yorkshire Police Crime Prevention Design Advisor – A number of recommendations has been provided in relation to boundary treatment, gates, external lighting, wall construction, roller shutters and grilles, door and windows, car parking, CCTV and intruder alarms.

9.0 MAIN ISSUES

- Principle of Development
- Urban Design
- Residential Amenity
- Highways and Transportation
- Trees, Landscaping and Ecological considerations
- Contaminated and Unstable Land issues
- Other Matters
- Representations
- Planning Obligations

10.0 APPRAISAL

Principle of Development

- 10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations

indicate otherwise. The NPPF is a material consideration in planning decisions.

- 10.2 The NPPF states that the purpose of the planning system “is to contribute to the achievement of sustainable development.” The NPPF explains how achieving sustainable development means that the planning system has three overarching objectives, which are economic, social and environmental. These objectives are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). The NPPF stresses the presumption in favour of sustainable development.
- 10.3 The site is not allocated or designated as a Primary Employment Area within the Local Plan but the proposal would mean the reuse of a former general industrial and employment site (Class B2). The proposal would support the local rural economy by increasing local employment opportunities, supporting the needs of a small to medium sized enterprise, in line with policy LP10 of the Local Plan. However, as stated in the same policy objective, as the development is proposed in the Green Belt due regard must be given to the relevant policies in the Local Plan and relevant national planning policy.
- 10.4 NPPF paragraph 145 states that the construction of a new building in the Green Belt should be regarded as inappropriate except if the development falls within one of the listed exceptions. Paragraph 145 criterion c states that the extension of an existing building in the Green Belt may not be inappropriate provided that it does not result in disproportionate additions over and above the size of the original building.
- 10.5 Policy LP57 of the Local Plan provides further details and supports criterion c of the NPPF. It states that the extension of a building will normally be permitted provided that the original building remains the dominant element both in terms of size and overall appearance and that there is no greater impact on openness in terms of the treatment of outdoor areas including hard standings, curtilages, enclosures and means of access.
- 10.6 What constitutes the ‘original building’ is defined in the glossary of the Local Plan and the NPPF glossary as “a building as it existed on 1 July 1948, or if constructed later, as it was built originally.” If a building existed on 1 July 1948 but has since been replaced then the term ‘original’ relates to the replacement building as it was built originally.
- 10.7 It is unknown when the first building appeared on this site, but there are historic maps and aerials as well as a photograph taken around 1997 of a very sizeable building, comparative in size to the current building, existing in the mid-1950s. Planning permission was granted in 1999 for a replacement building and that is the building that stands today. Therefore, officers are of the opinion that the current building, with the exception of a single side storey extension granted in 2000, can be taken to be the ‘original building.’ This means that the cumulative impact of the extension that was granted in 2000 and the current proposal needs to be considered.

- 10.8 The proposal would result in an additional first storey to the front wing of the building, which would have greater visual presence, particularly from Cumberworth Lane, than the existing development. However, as the resultant building would only be 6% greater in volume than the existing building, officers consider the proposed extension, even when assessed with the extension permitted in 2000 would still not constitute a disproportionate addition over the size and scale of the 'original building.'
- 10.9 Policy LP57 states that the 'original building' must remain the dominant element in terms of overall appearance. The glazed elevations proposed in the current scheme would result in the building's front wing benefiting from a more modern design, which may inevitably 'draw the eye'. However, officers consider that the front wing would still remain subservient to the 'original building' due to the bulk and height of the pitched roof building set behind it. Furthermore, the proposed front wing's glass construction and additional elevational treatments would add visual interest and enable views into the building offsetting any perceived adverse impact from the additional volume.
- 10.10 The site would utilise existing hardstanding, access and enclosures from the building's former use, which would benefit from additional hard and soft landscaping measures that would enhance the green belt setting.
- 10.11 Overall, the cumulative impact of the extension and the alterations are deemed to be neither disproportionate in size nor visually dominant when compared to the 'original building.' Officers consider the proposals to be not inappropriate development in the Green Belt and therefore, acceptable under Local Plan policy LP57 and as an 'exception' under NPPF paragraph 145 criterion c.
- 10.12 In terms of the site's sustainability credentials, it is close to an existing residential settlement with reasonably good access to public transport and other facilities. The site is a previously developed (brownfield) site and was once used for employment related uses. Therefore, it is considered that this proposal can be regarded as sustainable development and officers can support the principle under Local Plan policy LP1 and NPPF chapter 2.

Urban Design

- 10.13 The building is not listed, nor is it in a Conservation Area, nor would it affect the setting of the listed building or a conservation area. However, the site has several constraints relevant to design, including its Green Belt location, and its visibility from several locations along Cumberworth Lane and other publicly accessible vantage points.
- 10.14 It is considered that the most pertinent design policies are LP24 and LP57 of the Local Plan. These policies require a sensitive layout and design to ensure the development would have no greater impact upon the openness of the Green Belt than the existing development.

- 10.15 The existing building is industrial in character and it could be considered that its appearance does not positively contribute to its rural setting. Officers consider the proposals would enhance its appearance whilst maintaining the openness of the Green Belt, particularly when viewed travelling along Cumberworth Lane.
- 10.16 The proposed elevations of the ancillary front wing show that it will have a contemporary appearance that will be predominantly glazed with a flat roof form with greenery. Although, the ancillary wing will be slightly larger than the existing element it would still be subservient in scale to the main element of the building. Officers consider that the proposal would enhance the Cumberworth Lane street frontage. Additionally, the relocation of the loading door from the side to the rear of the building will ensure that industrial related activity will take place in a less visual prominent location.
- 10.17 There is the potential for the users of the balcony to generate a degree of activity, noise and disturbance. As such, officers have some concern regarding the appropriateness of the proposed balcony feature to the ancillary wing within the Green Belt setting. However, given the scale of the building it is attached to and the building's use, officers consider that this feature is not materially significant to the openness of the Green Belt to warrant a refusal.
- 10.18 A landscape plan has been provided which shows the replacement of some existing hard surfacing with soft landscaping, adjacent to Cumberworth Lane and for the stone boundary wall to be rebuilt. All of which would enhance the setting of the site within its Green Belt setting. However, as outlined in the consultation responses, officers have requested conditions securing an appropriately constructed drystone wall and additional mitigative planting to further enhance the setting of the site and for improving habitat creation.
- 10.19 From an urban design perspective it is considered that an acceptable proposal subject to conditions could be achieved in accordance with policy LP24, LP32, LP57, and LP60 as well as chapter 12 of the NPPF.

Residential Amenity

- 10.20 The supporting information explains how the building has been vacant since around 2011, having previously been occupied by a company who manufactured cast concrete products and also had a builder's merchants' element to their activities. The site planning history also confirms that the site can be used for general industrial uses (Class B2). As such, it can be considered that employment related activities are already acceptable.
- 10.21 Residential properties can be immediately found to the east of the application site, along Cumberworth Lane. However, given their general north – south orientation it is considered that there would be no impact on residential amenity in terms of overlooking, overdominance and overshadowing. There are also residential properties found at Bromley Park to the west but it is considered that the intervening woodland area would protect any adverse impact on residential amenity in this location.

- 10.22 The plans show that the ancillary element would have a balcony feature where occupants would be able to take advantage of rural, open views to the south. It is considered that the intervening distance between this ancillary element and the nearby residential properties is sufficient to not have any adverse impact on residential amenity.
- 10.23 Also, Environmental Health officers have recommended conditions in relation to noise, artificial lighting, as well as restriction of working hours, which are considered necessary to ensure the protection of residential amenity. However, it should be noted that at the time of writing this report, the applicant has been working with officers to provide the necessary information to avoid the need to submit a noise impact assessment as part of a planning condition, as initially requested by Environmental Health officer.
- 10.24 It is considered that this proposal accords with Local Plan policies LP24 criterion c and LP60 criterion c in having an acceptable impact on neighbouring residential amenity as well as NPPF paragraph 127 criterion f.

Highway and Transportation

- 10.25 The site takes access from Cumberworth Lane, which connects the A636 Wakefield Road at Denby Dale with the B6116 Huddersfield Road to south. The site has an existing access point located on the far northeast corner of the site, which consists of a footway vehicular crossing approximately 10.5m in width. General visibility from the existing site access is somewhat restricted due to the stone wall which spans the frontage of the site, the relatively narrow footway and the steel pillars located to both sides of the access point.
- 10.26 Highways Development Management consider the proposed access will be a significant improvement to the existing arrangement. The proposed improvements include 6.0 metre kerb radii, a 7.3-metre-wide access to allow two large vehicles to pass at the site entrance, a car park with 20 spaces (including disabled parking spaces), an internal service yard with internal vehicle turning arrangements.
- 10.27 Currently the footway on the site frontage is relatively narrow at 1.2 - 1.3 metres in width. These proposals include the widening improvement of the footway along the site frontage to a minimum width of 2.0 metres.
- 10.28 To determine vehicle speeds along the Cumberworth Lane a speed survey was undertaken in January 2019 by Abacus Traffic Surveys. The 85 percentile wet weather speeds of vehicles travelling towards Denby Dale were 32.54 mph and towards Lower Cumberworth 32.81 mph. Based upon the guidance contained within the Manual for Streets visibility for egressing drivers would be 49.5 metres in both directions.
- 10.29 The footprint of the building is not to be increased and acceptable internal service vehicle turning and off-street car parking provisions are provided, together with a widened footway to the site frontage. There is also an acceptable visibility onto Cumberworth Lane. Furthermore, Highways Development Management raise no objections, subject to conditions requiring a footway and turning facilities to be provided. Therefore, these proposals would accord with policies LP20, LP21, LP22, the guidance set out in the Highways Design Guide SPD as well as paragraph 109 of the NPPF.

Trees, Landscaping and Ecological considerations

- 10.30 Tree Preservation Order 04/17/w1 protects trees to the north and west of the application site. The tree officer has considered that the proposals to not have any adverse impact on these trees. However, there is a possibility that there needs to be works to the overhanging trees and as such a condition detailing such works is required to accord with Local Plan policy LP33.
- 10.31 As outlined in the consultee responses, the landscape officer provided comments on the site layout plan with regards to seeking additional soft landscaping features. Subsequently detailed landscape proposals plan, carried out by Rosetta Landscape Design was submitted. The proposals show heavy standard trees and native hedgerow mix to be planted along the site's frontage with Cumberworth Lane, trees to be planted adjacent to the telecommunications mast and shrubs to be planted with the proposed parking area. It is considered that the proposed landscape works would help assimilate the proposal into its green belt setting and enhance biodiversity at the site frontage, in accordance with Local Plan policy LP32. However, the landscape officer has requested additional planting to the side and rear of the site to ultimately help extend and form links to the existing wildlife corridor. Furthermore, the officer has requested a landscape management plan to demonstrate long term management and maintenance plus any replacements due to plan failure within first 5 years to ensure establishment. These further details can be secured by planning condition, if necessary.
- 10.32 The site is within a Bat Alert area and is immediately adjacent to an area included within the Kirklees Wildlife Habitat Network. An Ecological Appraisal (Quants, November 2014) and an update letter (Quants, August 2018) supports the planning application. The letter concludes that "the site comprises hard standing with industrial units and contains very limited biodiversity value which is restricted to colonising vegetation on the site margins and through cracks in concrete. The majority of habitat of value is located on the boundaries of the site."
- 10.33 The documentation also concluded that the site and buildings itself had negligible potential to support nesting birds and bats in terms of roosting, foraging and commuting. However, the bordering treelines/hedgerows were considered to be well connected to a network of similar linear habitats suitable for bat foraging and commuting, and as such are of value to bats. Also, it was considered that the majority of suitable habitat for reptiles is limited to the boundaries of the site.
- 10.34 A series of recommendations to enhance biodiversity value of the site have been recommended which are considered to be relevant by the Biodiversity officer. As such, subject to conditions securing these recommendations, the proposal would accord with Local Plan policy LP30 and NPPF chapter 15.

Contaminated and Unstable Land issues

- 10.35 The proposal site falls within a Development High Risk Area as defined by the Coal Authority. A Coal Mining Risk Assessment (Earth Tech Consulting Limited, November 2019), Coal Mining Report (Coal Authority, April 2019) and Mine Entry Interpretive Report (Coal Authority, May 2019) supports the planning application. These documents confirm that there are coal mining

features and hazards in the area, including a disused mine adit on the site and disused mine shafts and adits located close to the site boundary.

- 10.36 The Coal Authority have advised that as the building/structure will not require substantial foundations or earthworks they do not require intrusive site investigations and as such do not raise any objections with this proposal.
- 10.37 However, The proposed development is on land that has been identified as being potentially contaminated by its former use and also is nearby to a former landfill site. In addition disused mine shafts and adits are located close to the boundary of the site and a disused mine adit is on the site. There are potential contaminated land risks therefore contaminated land conditions are required.
- 10.38 Environmental health officers have stated that the proposed development is on land that has been identified as being potentially contaminated by its former use and also is nearby to a former landfill site. Therefore, there are potential contaminated land risks associated with the site. However, it is considered that these risks can be addressed by the necessary contaminated land conditions to accord with Local Plan policy LP53 and NPPF chapter 15.

Other Matters

Drainage and Flood Risk

- 10.39 The site is within Flood Zone 1, but is less than 1 hectare in size, therefore a site-specific Flood Risk Assessment did not need to be submitted. No comments or objections have been received from the Environment Agency, Yorkshire or the Lead Local Flood Authority due to the nature of the proposals. The proposals are considered to accord with Local Plan policies LP27, LP28 and LP24, as well as paragraph 14 of the NPPF.

Crime Prevention

- 10.40 The West Yorkshire Police Liaison officer has made a number of comments and recommendations, particularly with regards to boundary treatments, gates, external lighting, as well as CCTV and alarm systems. All of the comments made are advisory and have been referred to the applicant. In this instance, it is considered that some of the advisory comments, mainly in relation to boundary treatments would conflict with Green Belt policy, particularly Local Plan policy LP60 in terms of openness and setting. As such, it is considered that on balance, the proposed development proposal, particularly by way of occupancy would be acceptable and broadly accord with Local Plan policy LP24 criterion e.

Air Quality

- 10.41 For air quality reasons and to encourage the use of low-emission modes of transport, electric/hybrid vehicle charging points would need to be provided in accordance with relevant guidance on air quality mitigation, Local Plan policies LP21, LP24 and LP51, the West Yorkshire Low Emissions Strategy (and its technical planning guidance), the NPPF, and Planning Practice Guidance. The applicant has proposed two charging points for 20 parking spaces which is acceptable. However, a lack of detail has been provided regarding the details of the type of charging point to be provided, as such a condition is required

Climate Change

- 10.42 Chapter 12 of the Local Plan relates to climate change and states that “Effective spatial planning is an important part of a successful response to climate change as it can influence the delivery of appropriately sited green infrastructure and the emission of greenhouse gases. Planning can also help increase resilience to climate change impact through the location, mix and design of development. This proposal would result in the reuse and sensitive adaption of existing buildings and site within the Green Belt. This approach is preferable to the construction of new buildings and is one of the core principles underpinning planning as this encourages the recycling of existing resources in the NPPF and Local Plan. The NPPF emphasis that responding to climate change is central to economic, social and environmental dimensions of sustainable development.
- 10.43 This application has been assessed taking into account the requirements summarised above and provides opportunity for development that is considered to meet the dimensions of sustainable development. Furthermore, the proposals secure the inclusion soft landscaping features and electric vehicle charging point(s) to serve the development. Additionally, the necessary cycle parking storage facilities could be secured by way of planning condition. All of which would contribute positively to the aims of climate change.

Minerals safeguarding

It is considered that Local Plan policy LP38 would not apply as the proposal would be considered as an extension to an existing building as defined in part 2, criterion a of this policy consideration.

Representations

- 10.44 One letter of representation was received, which supported the principle of development.

Planning Obligations

- 10.45 The application is of a scale and type which would not trigger any planning obligations. There are no other agreements into which the applicant and the Council have entered.

11.0 CONCLUSION

- 11.1 The proposal represents a sustainable development (with reference to paragraph 11 of the NPPF) as it would mean the reuse and sensitive refurbishment of existing buildings and site previously used for employment related purposes, within the green belt.
- 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, subject to conditions.

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

1. Standard timeframe for implementation (3 years).
2. Development in accordance with plans.
3. Footways to be provided to Cumberworth Lane site frontage
4. Turning facilities to be provided
5. Provision of the necessary secure cycle parking spaces
6. Details of electric vehicle charging points
7. Hours of use for commercial/industrial
8. Provision of a noise management assessment
9. Details securing appropriate reconstruction of boundary dry stone wall at Cumberworth Lane
10. Submission of a detailed landscape scheme consisting of the side and rear boundaries
11. Submission of a detailed long-term Landscape Management Plan
12. Details of any additional tree works
13. Ecological Design Strategy addressing mitigation and enhancement
14. Submission of a Phase 1 Preliminary Risk Assessment Report
15. Submission of a Phase 2 Intrusive Site Investigation Report
16. Submission of Remediation Strategy
17. Implementation of the Remediation Strategy
18. Submission of Validation Report
19. Details of any External Artificial Lighting

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planningapplications/detail.aspx?id=2019/93266>

Certificate of Ownership – Certificate A signed.