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**Report of the Head of Planning and Development**

**HUDDERSFIELD PLANNING SUB-COMMITTEE**

**Date: 19-Mar-2020**

**Subject: Planning Application 2019/93069 Change of use of land and buildings from A1 Garden Centre to hand car wash, partial re-surfacing of hardstanding areas, formation of parking bays and erection of 1.8m acoustic fence Former Beaumont Park Garden Centre, 84A, Meltham Road, Lockwood, Huddersfield, HD4 7BQ**

**APPLICANT**

N Sadiq

**DATE VALID**

20-Sep-2019

**TARGET DATE**

15-Nov-2019

**EXTENSION EXPIRY DATE**

23-Mar-2020

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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**

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**Electoral wards affected: Crosland Moor and Netherton**

**Ward Councillors consulted: Yes**

**Public or private: Public**

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## **RECOMMENDATION: REFUSE**

1. The proposed use of the site as a hand car wash would cause harm to the openness and character of the Green Belt as a result of the erection of a 1.8 high close boarded acoustic screen, in addition to the regular presence of vehicles passing through the site and other paraphernalia associated with the site operations. It would result in the introduction of incongruous urban characteristics where the land is currently open. As such the proposal would constitute inappropriate development in the Green Belt and there are no very special circumstances which clearly outweigh the harm caused by reason of inappropriateness and other harm. As such the development is contrary to Paragraph 146 e) of the National Planning Policy Framework and Policy LP60 b) and c) of the Kirklees Local Plan.

2. The erection of a solid acoustic screen along the site frontage would result in an obtrusive feature that is considered harmful to the character and appearance of the area and contrary to Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. The proposed use, including the queuing of vehicles through the site and the operation of powered machinery, would result in harm to the visual and aural experience of users of the public right of way that runs to the north west of the site. In making this pedestrian route less attractive to users, the development would be contrary to the general ethos of Policy LP24 d) ii) of the Kirklees Local Plan.

## **1.0 INTRODUCTION:**

1.1 The application is brought to Huddersfield Planning Sub-Committee for determination in accordance with the Council's Scheme of Delegation at the request of Councillor Kaushik, for the reason outlined below:

"This brownfield site has fallen into disrepair and has been vandalised - bringing the site back into beneficial business use, would be an improvement to the area, rather than the dilapidated vacant site it is at present.

The impact on the Green Belt would be negligible as the site would not have any new buildings. Any impact of temporary equipment associated with this business would be much less than that of the previous businesses that were situated on this site."

1.2 The Chair of the Sub-Committee has accepted that the reason for making this request is valid having regard to the Councillors' Protocol for Planning Sub-Committees.

## **2.0 SITE AND SURROUNDINGS:**

2.1 84a Meltham Road is a vacant site that served the former Beaumont Park Garden Centre. The site includes a part two storey and single storey detached building which remains on the southern part of the site and flat roof part of a building at the northern end, both of which are faced in white render. The site is unkempt in appearance with limited evidence of its former operations. Much of the site is hardstanding with some areas of planting.

2.2 The site is currently bound by a low stone wall with mesh fencing above which fronts Meltham Road. To the rear, north western, boundary there is a close boarded timber fence. Beyond the boundary to the north and north-west are areas of woodland. There are residential properties on the opposite side of Meltham Road to the south east.

### **3.0 PROPOSAL:**

3.1 The proposal relates to the change of use of land and buildings from Class A1 garden centre to a hand car wash, partial resurfacing of hardstanding areas, formation of parking bays and erection of 1.8 metre acoustic screen. The building located to the southern end of the site is to be used as office and customer waiting area at ground floor and staff area above. Storage is shown to be housed within the single storey part of the building. The flat roofed part of the building to the northern end of the site is to accommodate plant.

3.2 Site access would use the existing entrance to the south of the site and vehicles would then egress to the north utilising the existing opening. The areas internal to the site are shown as “pre-wash”, “wash” and “dry”. The remaining areas are shown to be hardstanding. A 1.8 metre high acoustic screen is proposed along the site frontage. This is to be constructed of brickwork plinth and pillars with timber acoustic fence panels of marine ply inner face and decorative vertical boarded outer face. In front of this would be a landscape strip.

3.3 The hours of opening are specified as 09:00 to 17:00 Monday to Sunday and including Bank Holidays. The application form submitted states that 5 full time employees will be required.

3.4 The submission is supported by a comprehensive Planning Statement which contends that the existing use of the site is Class A1 retail, although recognising that no Lawful Development Certificate has been submitted. The statement sets out why the applicant considers the proposal would accord with national Green Belt Policy, including why it would not have a materially greater impact on the openness of the Green Belt when judged against the last use of the site, what might take place on site, and against the development proposed. It goes on that as the site would be brought back into economic use it would be ‘tidied up thus preventing further degradation’ improving the visual amenity of the area and site. It draws attention to the accompanying Noise Survey and Impact Assessment which demonstrates that mitigation, in the form of a 1.8m acoustic screen along the site frontage, would overcome the reason to refuse a previous application on the grounds of loss of residential amenity.

3.5 The application is also accompanied a Noise Survey and Impact Assessment. This sets out that a baseline noise assessment has been completed. The primary pre-existing noise climate for the area is assessed as traffic along Meltham Road, with additional industrial noise associated with Park Valley industrial estate opposite. Impact noise assessments were carried out for the noise associated with the proposed plant for the site, including pressure washers and vacuum cleaners. It indicates that additional mitigation measures are necessary to achieve the recommended target noise limits for the site. This is the proposed 1.8m screen on the boundary of the site between the entry and exit to eliminate direct line of sight of residential premises on the opposite side of the road.

#### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

4.1 2019/90481 – Change of use of land to hand car wash – refused due to impact on the openness of the Green Belt and due to noise disturbance to those living close by.

2009/90528 – Erection of polytunnel – refused

99/93522 – Outline application for erection of two industrial units – refused

96/91683 – Outline application for erection of 7 no. town houses – refused

95/93328 – Outline application for erection of 10 no. town houses - refused

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

5.1 Following concerns raised with regards to highway movements, visibility and in respect of noise nuisance further information has been received aiming to address concerns. Matters are referred to in the report.

#### **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 27<sup>th</sup> February 2019).

##### Kirklees Local Plan (2019):

6.2 LP1 – Achieving sustainable development  
LP2 – Place shaping  
LP21 – Highway safety and access  
LP24 – Design  
LP28 - Drainage  
LP30 – Biodiversity and geodiversity  
LP33 – Trees  
LP34 – Conserving and enhancing the water environment  
LP52 – Protection and improvement of environmental quality  
LP59 – Brownfield sites in the Green Belt  
LP60 – The re-use and conversion of buildings in the Green Belt.

##### National Planning Guidance:

6.3 Chapter 6 – Building a strong, competitive economy  
Chapter 12 – Achieving well-designed places  
Chapter 13 – Protecting Green Belt land  
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change  
Chapter 15 – Conserving and enhancing the natural environment

## **7.0 PUBLIC/LOCAL RESPONSE:**

7.1 23 representations of objection have been received summarised as follows:

- Green belt
- Adverse impact on residential amenity
- Increase in noise
- Increase in traffic (turnover of short visits and queuing)
- Visibility to other road users
- Signage (visual and highway safety)
- Detrimental impact on the character of the area
- Visitors to the Beaumont Park will be affected
- Impact on trees/threat to those overhanging the site
- Pressure on drainage system
- Flooding in the area
- Pollutants from the operations
- Contrary to Air Quality strategy
- Queuing traffic/Congestion
- Intensification of traffic movements
- Accident black spot
- Jet washers will wet passing pedestrians
- Pedestrian safety
- There are other facilities in the area
- Potential for criminal activity
- Impact on local wildlife
- Inappropriate in the context of the Beaumont Park
- Acoustic fence would be an eyesore

Non-Material Issue

- Labour exploitation

## **8.0 CONSULTATION RESPONSES:**

8.1 **Statutory:**

**KC Highways DM: No objections**

8.2 **Non-statutory:**

**KC Environmental Health: No objections**

**Yorkshire Water: No objections**

**Lead Local Flood Authority – No objections**

## **9.0 MAIN ISSUES**

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Drainage issues
- Representations
- Other matters

## 10.0 APPRAISAL

### Principle of development

- 10.1 The site is located within the Green Belt within the Kirklees Local Plan. Chapter 13 of the NPPF states that the government considers the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with the core characteristics of the Green Belt being its openness and permanence. Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight needs to be given to any harm to the Green Belt. All proposals for development in the Green Belt should be treated as inappropriate unless they fall within one of the categories set out in paragraph 145 or 146 of the NPPF.
- 10.2 There is a history of planning applications that appear to have considered the site to be greenfield, however, the agent has challenged this view. The agent makes reference to the Design & Access Statement that accompanies the 2009 application which refers to the site as a “garden centre” and states that plants were imported. That application also highlights that the purpose of the erection of the polytunnel was to enable stock to be grown on site. The agent also argues that there is a fundamental difference between the definition of a garden centre and a nursery that grows plants. Site observations conclude that there are areas of plant beds with surrounding hardstanding in addition to a two storey building. In the absence of further evidence or a Lawful Development Certificate, Officers are not able to conclude whether the site is considered as greenfield or brownfield. The proposed development will therefore be considered accordingly.
- 10.3 The application does not include the erection of any new building and re-uses those that exist within the site. Paragraph 145 (g) is only relevant to the redevelopment of previously developed land where this proposes ‘new buildings’, this proposal does not. This paragraph specifies that in such circumstances ‘new buildings’ need not be inappropriate providing there is no greater impact on the openness of the Green Belt than the existing development.
- 10.4 Paragraph 146 of the NPPF is specifically relevant to this application, whether the site be considered greenfield or brownfield. This paragraph states that certain forms of development, other than new buildings, are also appropriate in the Green Belt provided that they preserve its openness and do not conflict with the purposes of including land within it. These include paragraph 146 part (d) ‘the re-use of buildings provided that the buildings are of permanent and substantial construction’ and (e) ‘material changes in the use of land’. The application submitted would constitute a material change of use of land from its former use as a garden centre to a hand carwash and re-use the buildings on site. Thus, provided the scheme preserves the openness of the Green Belt and does not conflict with the purposes of the Green Belt (as defined in Paragraph 134), it need not be inappropriate development in principle.

- 10.5 As the proposal involves the re-use of existing buildings, Policy LP60 of the Kirklees Local Plan is relevant. This states that *'proposals for the conversion or re-use of buildings in the Green Belt will normally be acceptable where; a) the building to be re-used or converted is of permanent and substantial construction; b) the resultant scheme does not introduce incongruous domestic or urban characteristics into the landscape, including through the treatment of outside areas such as means of access and car parking, curtilages and other enclosures and ancillary curtilage buildings; c) the design and materials to be used, including boundary and surface treatments are of a high quality and appropriate to their setting and the activity can be accommodated without detriment to landscape quality, residential amenity or highway safety.'*
- 10.6 In terms of preserving the openness of the Green Belt, much of the existing areas within the site are hardstanding and will be maintained as such. This would preserve openness but the ensuing parking and processing of cars through the site, utilising the hard surfaced areas, would not. The development includes the erection of an acoustic screen, with a brickwork plinth and pillars, which is essential to mitigate the potential noise generated from the operations. The acoustic screen replaces an open wire mesh structure and dwarf stone wall and would form a solid enclosure set back around 1.3m from the footway, with landscape strip. It would be approximately 36m in length and would form a significant intrusion into the streetscape. In addition to concerns regarding the erection of acoustic screen, the use of the site may also require signage and such paraphernalia would also be harmful. However, this would be assessed separately under the Advertisement Regulations.
- 10.7 As the development is considered not to preserve the openness of the Green Belt it would constitute inappropriate development when considered against paragraph 146 of the NPPF. Furthermore, the resultant scheme would introduce urban characteristics into the landscape including the acoustic screen. Furthermore, "the activity" cannot be accommodated without detriment as required by Policy LP60 of the Kirklees Local Plan as the operation of a car wash would have greater impact on the Green Belt when taking into account vehicle movements and associated equipment required. The more constant turnover would result in a regular presence of vehicles which would result in a more urbanising characteristic being harmful to the character of the area contrary to Policy LP60 of the Kirklees Local Plan. Although the site may assist in one of the key purposes of Green Belt by 'encouraging the recycling of derelict land' in doing so in this application, this would harm the openness of the Green Belt for the reasons set out above.

#### Urban Design issues

- 10.8 The proposed development would re-use existing buildings within the site for office, storage and plant. No specific alterations are proposed to these buildings. Other than the erection of a close boarded timber acoustic screen along the site frontage, assessed in more detail below, there are no other significant alterations within the site. However, the use of the site would introduce urban elements from the frequency of vehicles passing through it, in addition to the operation of machinery associated with car washing activities. The additional paraphernalia in and around the site would intensify the urban character, which would be out of keeping with the local area and harmful to the Green Belt for reasons already set out above.

- 10.9 The existing site includes a wire fence to the site frontage which is situated behind an existing stone wall. It is not of solid construction and as such does not dominate or segregate the site from wider areas. The replacement of this with a 1.8 metre brick and timber fence, or alternative form of acoustic screen, would be incongruous within the existing street scene which is more open in terms of boundary treatment and general character. Although the submitted plans show a landscape strip of around 1.3m forward of the fence, this would not mitigate the impact of this incongruous structure when viewed from Meltham Road.
- 10.10 The development proposals, through the introduction of urban characteristics and the proposed acoustic barrier, would result in significant harm to the visual amenity of the area and the character and openness of the Green Belt contrary to Policies LP24 (a) and LP 60 of the Kirklees Local Plan in addition to Chapter 12 of the National Planning Policy Framework.
- 10.11 It should also be noted that there is a public right of way to the north west of the site on elevated land linking Meltham Road with Beaumont Park Road. This passes the boundary of Beaumont Park itself enroute. Due to the site's close proximity to this route it is considered that there will be harm to the visual experience for users of the PROW. In addition, those using the route would be subjected to general noise and disturbance arising from the use of the site making it less attractive which would not be in accordance with the general ethos of Policy LP24 d) ii) of the Kirklees Local Plan.

#### Residential Amenity

- 10.12 The site shares its boundary with Meltham Road to the south east with residential properties opposite. A public right of way (HUD/211/50) runs to the north west of the site. The development proposals could impact on the occupants of neighbouring properties as well as pedestrians using the footpath.
- 10.13 The use of the site as a hand car wash has the potential to result in nuisance through disturbance as a result of the site operations that includes jet spray equipment. To demonstrate adequate protection to the occupants of dwellings located opposite, a noise report has been submitted. The acoustic report relies on general guidance and assessment methods used for community noise sources. The noise report uses library operational levels to assess the contribution of the specific sources of noise associated with the operations of the site. As the operations run parallel to the residential premises, a linear distance for sound arriving at each property is assumed. It is noted that in reality sound from each plant or operation would diminish as the distance increases. As such, the result of the calculations are 'worst case scenario' and likely to produce a higher contribution impact than would be the case on site. The site operations have been assessed based on 'worse case scenario' and all operations working simultaneously. As the plant and activities will not achieve the required value when operated mitigation measures will be necessary. A physical barrier is required to be erected at a height of 1.8 metres and is to run along the full length of the site between site entry and exits.

- 10.14 KC Environmental Health have assessed the report and recommendations accepting the measurements put forward in terms of data. Subject to conditions restricting the use and noise ratings at the site, in addition to the erection of an acoustic fence, it is considered that the proposed development can be adequately controlled so as to prevent any nuisance to nearby occupants opposite the site. As such, the development is considered in accordance with Policy LP 52 of the Kirklees Local Plan and Chapter 15, in particular Paragraphs 170 (e) and 180 (a), of the National Planning Policy Framework (2019).

#### Highway issues

- 10.15 This application seeks approval for the change of use of land and buildings from A1 Garden Centre to hand car wash, partial re-surfacing of hardstanding areas, formation of parking bays and erection of 1.8m acoustic fence at 84A Meltham Road, Lockwood.
- 10.16 The proposed development would use the two access points retained from the site's historic use as a garden centre. Vehicles would therefore be able to enter at the south western access point and exit at the north eastern access with no need for internal turning space.
- 10.17 Following representations from both objectors and the agent, extensive surveys of the site have been carried out in the morning peak hours. As suggested, the queues regularly extend well beyond the site entrance and exit all the way back to the cemetery; however, these queues have subsided before 9am, with the busiest period seeming to be from just after 8:00am to around 8:40am. Furthermore, evening site assessment has been carried out and there are no concerns regarding the flow of traffic at this time that would result in any detriment to manoeuvres or highway safety at this time.
- 10.18 Given the above, provided the car wash opens after 9:00am, as stated in the application form, then the proposal should not have a detrimental effect on the existing highway network. There is an on-street bay able to accommodate around six vehicles to the front of the site, presumably historically associated with the garden centre, plus the scheme offers another five off-street bays in the layout, some of which are designated for staff. Taking into account the previous use, and the evidence gathered regarding traffic levels on Meltham Road, the proposed use is not considered to result in any detriment to highway safety. The proposal would accord with Policy LP21 of the Local Plan.

#### Drainage issues

- 10.19 The application site does not lie in an area at known risk of flooding but concerns have been raised from residents in the area regarding the impact of the development on drainage and flooding.
- 10.20 The application has been referred to Yorkshire Water and the Lead Local Flood Authority (LLFA) for comment. The proposals have been assessed and no objections have been raised in respect of matters of flood risk and drainage. As such the development is in accordance with Policy LP28 of the Local Plan. Comments have been received regarding pollution addressed below.

## Pollution/contamination

- 10.21 The application has been assessed in respect of the potential for contamination as a consequence of the site operations. In accordance with comments received from Yorkshire Water and the LLFA it is considered that a condition would be required to avoid pollution of the aquatic environment. Should Members recommend approval of the application a condition would be required to ensure an interceptor is incorporated into any development scheme. Subject to this the development can be carried out in accordance with Policy LP53 of the Local Plan.

## Representations

- 10.22 The application has attracted 23 objections which raise the following concerns:

- Green Belt  
**Response:** The impact on the character and openness of the Green Belt has been assessed and is considered unacceptable for the reasons outlined.
- Adverse impact on residential amenity  
**Response:** The operations of the site have been assessed and noise report submitted. It is considered that whilst adequate mitigation can be put in place this would in turn detrimentally impact on the openness and character of the green belt.
- Increase in noise  
**Response:** The operations of the site have been assessed and noise report submitted. It is considered that adequate mitigation could be put in place to avoid a detrimental impact on residential amenity arising from noise.
- Increase in traffic (turnover of short visits and queuing)  
**Response:** The application has been assessed in terms of impact on the highway network and other road users and is acceptable for the reasons set out, subject to a restriction to the hours of use
- Visibility to other road users  
**Response:** The application has been assessed in terms of impact on the highway network and other road users and is acceptable for the reasons set out.
- Signage (visual and highway safety)  
**Response:** The erection of signage associated with the proposed development could give rise for concerns due to its contributing impact on visual amenity and character of the area. However, this would fall to be assessed under a different application for advertisement consent and is not under consideration as part of this application
- Detrimental impact on the character of the area  
**Response:** The development proposals would result in detriment to the openness and character of the area as outlined in the report.

- Visitors to the park will be affected  
**Response:** The change of use is not considered to result in detriment to any visitors to Beaumont Park due to the separation distance and existing tree screening between the two uses
- Impact on trees/threat to those overhanging  
**Response:** The works proposed and site operations are not considered to result in any detrimental impact on the nearby trees, or pressure to impact on the longevity of trees.
- Pressure on drainage system  
**Response:** The site is not situated within a Flood zone nor critical drainage area. If approved, the operator would need to obtain a licence from Yorkshire Water for the disposal of trade effluent.
- Flooding in the area  
**Response:** The site is not situated within a Flood zone nor critical drainage area. There are no objections from the LLFA with regards to drainage or flood risk.
- Pollutants from the operations  
**Response:** There are no objections from Environmental Health in respect of the proposals. A condition requiring an interceptor for surface water from the site would be imposed should the application be supported.
- Contrary to Air Quality strategy  
**Response:** The development proposed is not so significant so as to justify the submission of any assessment in respect of air quality. There are no objections in this respect from Environmental Health.
- Queuing traffic/Congestion  
**Response:** The application has been assessed by highways who have carried out surveys as a result of concerns. There are no concerns providing the development operates after 9am.
- Intensification of traffic movements  
**Response:** The development will result in an increase in traffic movements however these are not considered significant to result in harm to the highway network, subject to controlling the hours of use.
- Accident black spot  
**Response:** This matter has been considered by KC Highways DM, incidents within the last five years are taken into account by the council's Highway Safety team or the police when considering measures to reduce accidents on any given stretch of road. There has only been one reported slight injury accident within 100m of either access of the site, and this occurred in March 2016. As such, this section of road is considered to have a relatively good safety record, particularly in the last three years where no injury accidents at all feature on the police records. It is not considered that the proposed development will significantly increase risk in terms of highway safety.

- Jet washers will wet passing pedestrians  
**Response:** The scheme includes the erection of a 1.8m screen that would assist in containing jet spray within the site.
- Pedestrian safety  
**Response:** The application has been assessed by highways who have carried out surveys as a result of concerns raised. The traffic movements associated with the use are considered not to be materially harmful to pedestrians.
- There are other facilities in the area  
**Response:** This is not a material consideration as each application is treated on its own merits.
- Potential for criminal activity  
**Response:** The application proposals would not result in matters of concerns in respect of potential criminal activity. Other matters cannot be controlled through planning.
- Impact on local wildlife  
**Response:** It is not considered that the development would result in any material harm to matters of ecology. The site is adjacent to the well-lit Meltham Road and as such the use of artificial light, in principle, is unlikely to result in significant harm to biodiversity.
- Inappropriate in the context of Beaumont Park  
**Response:** The change of use to a hand car wash would be sufficient distance from Beaumont Park, including a significant change in levels, so as to avoid any detrimental impact to this listed park.
- Acoustic fence would be an eyesore:  
**Response:** The erection of a fence is considered unacceptable for the reasons outlined in the report in terms of its impact on openness in addition to visual amenity.
- Labour exploitation  
**Response:** The concerns raised are not considered material planning reasons.

### Other Matters

- 10.23 *Ecology* – The north of the site is a designated woodland, part of a Wildlife Habitat Network. There are no objections to the proposed change of use as it is unlikely to result in significant ecological harm with no effect on the network or Beaumont Park. Any surface water run-off would be through an interceptor to avoid pollution. The site is adjacent to the well-lit Meltham Road and it would not introduce light into a previously dark landscape. Therefore, the proposal would be of no material harm to the ecological setting of the site.
- 10.24 *Trees* – The north of the site is a Tree Protection Order (TPO) area and as such the development would need to ensure no impact on these protected trees. No detailed information has been provided for the treatment of pollutants and jet spray, although run off would occur to the south away from the trees ensuring no harm. In addition, K.C. Ecology have no concerns on the potential ecological harm of the proposal.

- 10.25 *Setting of Beaumont Park* – This Grade II listed park and garden is set on rising land to the north west of the site. Given the difference in levels between the two sites and the separation of the use it is considered that the proposals would not impact on the setting of this designated heritage asset.
- 10.26 *Economy* – The application states that 5 full time jobs would be created as a result of the development. Paragraph 80 of the NPPF states that weight should be placed on the need to support economic growth. Whilst the use would contribute to the aims of the NPPF and Local Plan in respect of the creation of jobs, this should not be at the consequence of other harm which weighs significantly against any benefit in this instance.
- 10.27 *Climate Change* - On 12<sup>th</sup> November 2019, the Council adopted a target for achieving ‘net zero’ carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.
- 10.28 The proposed development would bring a vacant site back into use and be of economic benefit in this respect. Although sustainably located, it is not considered that the site operations, and in particular the queuing of vehicles through the site, would be in the interest of promoting carbon reduction and resilience to climate change.

## **11.0 CONCLUSION**

- 11.1 The NPPF 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.
- 11.2 This application has been assessed against relevant policies in the adopted Kirklees Local Plan and other material considerations. It is considered that the development proposals do not accord with the development plan and the application of policies in the NPPF that protect areas or assets of particular importance provide clear reasons for refusing the development proposed.

## 12.0 REFUSE

### Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f93069>

Certificate of Ownership – Certificate B completed, notice served 10<sup>th</sup> September 2019:

*Previously refused application: 2019/90481:*

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f90481>