

KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY

PLANNING SUB-COMMITTEE (HUDDERFIELD AREA)

7 MARCH 2019

Kirklees Local Plan adopted February 2019

The Kirklees Local Plan was adopted on 27th February 2019. The Local Plan is now the statutory development plan for Kirklees and supersedes the Kirklees Unitary Development Plan (adopted March 1999) (UDP). Planning applications must therefore be determined in accordance with the development plan unless material considerations indicate otherwise.

All reference to UDP Policies and land allocations in the following reports should be disregarded.

All references to Local Plan policies 'PLP' include adopted modifications.

Planning Application 2018/93228

Item 12 – Page 31

Erection of single storey side and rear extension

10, Quarry Court, Longwood, Huddersfield, HD3 4UQ

Paragraph 10.18 – drafting error. The final sentence should read:

This separation distance between the two properties, combined with the newly proposed orientation of the rear element of the extension, would remove any detrimental impact occurring in regards to overbearingness, overshadowing and privacy of no. 8'.

Confirmation of raised patio area and balustrade

The agent confirms that the raised patio will be raised to meet the level of the internal threshold, but only around the new extension. The patio will remain at the same height from the existing lounge and play room. The raised patio area will be approximately 50cm in height.

No details of a balustrade to the raised patio have been submitted and it does not form part of this application. However, if it is considered necessary to control the appearance of a balustrade, in the interests of visual amenity, this could be added as a condition.

Demolition of existing dwelling and erection of 5 detached dwellings with garages

Corby, Birkby Road, Birkby, Huddersfield, HD2 2DR

Drainage

As is detailed within the Committee Report, the proposal seeks to discharge surface water into an existing culvert which is in a poor state of repair. The culvert is to be re-routed and repaired as part of the proposed development, however it progresses into neighbouring land where it can be presumed to be in a similar state of disrepair but is outside of the applicant's control.

Upon inspection of the chamber in the adjacent property it was noticed that the inlet into this chamber was much smaller than expected. This would cause a restriction in more intense flows and lead to the culvert backing up. This is presumed by the LLFA to be the cause of a past flooding event on the application site.

Officers have encouraged the applicant to contact the neighbouring land owner to discuss possible culvert improvement works upon their land to address this issue. The following response has been provided;

The applicant, Armitage Developments has met with the owner of No.

The applicant has offered to upgrade their culvert to alleviate Kirklees' concerns regarding future flooding

With that in mind, we intend to proceed with the solution we currently have that provides a satisfactory drainage proposal without working on 3rd party land. We will remain in contact with

As assessed within the Committee Report, while the proposal would increase flood risk it would be very minor in scale. Discussions with the neighbour to address this as part of this application have taken place, but have not lead to any agreement for works to be undertaken on 3rd party land. The Lead Local Flood Authority acknowledge this and do not object to the proposal. On the planning balance, officers consider the management of surface water and the culvert to be acceptable and the proposal is deemed to comply with the aims and objectives of PLP28 of the KLP and Chapter 14 of the NPPF.

Erection of two storey side, single storey rear extensions and front porch

8, The Crest, Bradley, Huddersfield, HD2 1QN

Applicant writing in support of application

The applicant has written in support of the current proposal setting out the background to the extensions as built. This includes the reasoning as to why he considered the scheme fell within the parameters of permitted development.

In support of the scheme before members it is stated that:

- The additional space would provide a bedroom which would improve living conditions for the occupants
- The only difference between the approved scheme and the current scheme is the western side extension is 1 metre higher, which is not substantially different. Common sense should prevail to retain the extension as built rather than the retrospective works required to reduce the height to that approved.
- The footway has been reinstated
- When the hedge matures it will reduce the visual impact of the building as seen from nos. 20 and 22 opposite the site
- Buildings within the estate are individually unique in their own way, as such the proposed extension would not be out of keeping. It has been designed to be considerate of the estate and neighbours and in accordance with Policies listed in the committee report.

Planning Application 2018/90501

Item 16 – Page 89

Change of use and alterations to part of mill to form 42 residential units and 8 light industrial units (use class B1c) and retention of part of existing retail use (revised description and amended plans)

Stanley Mills, Britannia Road, Milnsbridge, Huddersfield, HD3 4QS

Principle of development:

Since the publication of the committee report the Kirklees Local Plan has formally been adopted and so the land is allocated as a Priority Employment Area (PEA).

In response to officers' assessment of the principle of development within this Priority Employment Area, the agent has commented that they believe that the proposed development complies with PLP8 of the Local Plan for the following reasons:

“In terms of demonstrating that the premises are no longer capable of supporting employment uses, there is no more we can do to justify this, as you can’t prove a negative. All we can do is provide a commentary on the action taken to let the premises and the fact that it has been vacant for so long. We have been in conversation with Graeme Haigh (MRICS) from Bramleys who confirms there is absolutely no demand for upper floor employment uses and challenges the Council to provide examples of where similar properties (i.e. upper floors) are successfully let for employment uses, except for long established businesses that occupy a whole building.

In terms of demonstrating that the proposals would not prejudice the continued use of neighbouring land for employment, your committee report confirms that Environmental Health have no objections to the proposed development as a result of the glazing proposed for the buildings. Surely the issue about whether future employment uses on the employment site would be prejudiced by the proposed residential development is speculation, especially considering the businesses that currently operate on the site which are already noisy, with no evidence coming forward to suggest what uses would not be compatible with the proposed development with its proposed glazing. It should also be noted that the windows for the proposed development do not directly overlook the site that runs in a linear fashion away from the site.

We believe that the employment uses proposed as part of the development should outweigh any speculation about the potential conflict with the potential development of the neighbouring employment site, as the proposed development includes 8 employment units, providing workspace for approximately 25 people. Surely the provision of employment uses complies with the Council’s ambition to increase jobs growth above baseline trends.

These units will not be delivered without the mixed-use scheme.

We note your comments in paragraph 10.15 that no financial evidence has been provided to support this argument, but commercial agents will support this argument. However, based on figures provided by Graeme Haigh (MRICS) we can easily demonstrate this argument.

Each floor of the building is approximately 1,600 sq.m, which equates to 17,200 sq. ft.

Residential floorspace would attract an annual rent of 120/sq. ft. Approximately 80% of each floor would be available for rent. This would yield an annual income of £1,650K per floor of residential use.

Employment uses would attract an annual rent of £3/sq. ft on the ground floor, £2 on the first floor, and possible £1 on the second floor and non for the top floor. (Figures confirmed by Graeme Haigh MRICS) This translates to an annual income of: -

Ground Floor - £41,280

First Floor - £27,520

Second Floor – £13,760.

If the whole building was let for employment uses, the annual income would be £82,560”.

A confidential Cost Plan has been submitted since the committee report was published. This suggests that the residential floorspace is required to make the redevelopment of the scheme viable.

The agent goes on to comment that “a viability appraisal is not required as we simply need to look at other similar buildings to see that they remain vacant without seeking a viable use. Notably the St Georges Warehouse in the town centre has remained vacant after a combined effort from the Private Sector with support from the Council to bring the building back into use. This is in a far superior location than Stanley Mills and the Council have explored all uses to make a viable scheme, but the internal layout and the works required to adapt the building for modern uses is simply not viable.

The proposed development at Stanley Mills secures the long-term use of the building, providing employment uses as well as much needed housing, which as confirmed by the Council will not impact on the neighbouring employment uses. We therefore believe that the proposed development accords with PLP8.”

Officer Response:

Through the Local Plan employment land would be delivered through a mix of permissions, commitments, potential supply from identified Priority Employment Areas (PEA) and allocations.

In total the employment land supply for the Kirklees district predicted to come forward during the Local Plan period equates to 193 hectares and leads to an employment oversupply of 18 hectares. This 18 hectares ensures a degree of flexibility is accounted for and will allow for a range of sites for the market and to account for the non-delivery of prime sites. As a broad estimate the potential employment supply from PEA sites is 48 hectares (circa 25% of the total employment land supply).

Each year between 2006 and 2014 an average of 11 hectares of land in use, or previously used, predominantly for employment was granted planning permission for other uses, mainly housing. Much of this land was considered unsuitable for further employment use because the costs of redevelopment to provide premises suitable for modern businesses were prohibitive, neighbouring uses prevented efficient use or expansion of business premises or there was poor access to the major road network.

Existing employment areas will need to be retained if jobs are to continue to be provided in locations which are close to residential areas and reasonably accessible by public transport. Locations with concentrations of business uses which constitute the main employment areas in Kirklees outside town centres, taking into account both scale and location, have been identified as Priority Employment Areas and are safeguarded for continued employment use.

The Local Plan supporting text states that all sites allocated as Priority Employment Areas are viable, in terms of style and age of buildings, the internal site arrangement, neighbouring uses and opportunities for expansion and are strategically or locally significant. As such they house well established business and industry sites that warrant protection from changes of use.

The supporting text also states that applicants will need to demonstrate that the site or premises are no longer capable of employment use, the availability of business/industrial sites of equivalent quality in the area, that the proposed use is compatible with neighbouring uses and where applicable would not prejudice the continued use of neighbouring land for employment. It should be demonstrated that the site has been marketed as a potential site for business and industry and why the building(s) do not fulfil the standards required by modern commercial uses. The period of marketing would need to be agreed by the Council and will be reflective of the significance of the employment asset.

The applicant has not provided any further information in respect of the marketing of the premises other than to reiterate the history of the building's use as summarised in the main report. The applicant has also taken advice from a local estate agent who considers that there is no demand for upper floor employment uses. A Cost Plan for the development has recently been submitted however this has not been subject to any independent examination. Additionally the applicant has referenced a site within Huddersfield town centre which they consider to be a more attractive location but where its redevelopment for a variety of uses has proven to be unviable.

Officers have considered the information provided but do not consider that these matters have been robustly evidenced for the purposes of Policy PLP8 and the application does not therefore accord with this policy.

The development will bring forward 8 light industrial units which the applicant estimates would provide around 25 jobs and officers acknowledge that this provides a benefit that weighs in favour of the application. The provision of the units is however based on the introduction of residential development on the PEA which will impose a significant constraint on the adjacent part of the PEA throughout the lifetime of the plan in terms of the future redevelopment of this neighbouring land for continued employment generating uses. This constraint is considered to outweigh the employment benefits arising from the light industrial units at this stage of the Local Plan.

Officers also acknowledge that issues of noise can be addressed through an appropriate glazing and ventilation scheme for the proposed flats. The presence of residential development will nevertheless introduce a sensitive end use into an employment area that could readily conflict with the adjacent employment land given the unrestricted nature of the established industrial uses.

In summary it is considered that the applicant has failed to adequately demonstrate that the proposals comply with Policy PLP8 of the Local Plan and officers have significant concerns that the proposed residential development will prejudice the long term function of this Priority Employment Area.

Highway safety:

Additional highways information has been provided including vehicle tracking and a traffic speed survey. An amended site plan has also been submitted showing a pedestrian dropped crossing on Britannia Road.

Highways Development Management have confirmed that the vehicle tracking information is acceptable.

The speed survey information shows the 85th-percentile wet weather speeds of 28.65mph eastbound and 29.04mph westbound. These results equate to a shortfall in visibility when exiting the site of 7m to the left and 4m to the right.

However, these proposals improve the existing arrangements by formalising the access, providing a 2m-wide footway to part of the site frontage and installing crossing points to improve pedestrian safety. Given these enhancements, Highways Development Management consider that, on balance, the scheme is acceptable from a highway safety perspective and the application complies with Policy PLP21 of the Local Plan.

Public representations have been made raising highway safety concerns. The enhancements set out above are considered to mitigate the impact of the development on highway safety. An acceptable parking layout has now been provided which also addresses the parking concerns raised.

Ecology:

The Ecology Unit has considered the submitted Ecological Impact Assessment and have confirmed that, subject to the ecological measures proposed, there would not be any significant ecological harm and the enhancement measures are likely to result in a biodiversity net gain. The ecological measures would need to be secured by condition.

Infrastructure:

As set out in the report, a contribution is required towards public open space, including children's play equipment. The contribution for a Local Area of Play (LAP) is just over £44,000 and the indicative figure for the POS provision is approximately £64,500. These contributions would need to be secured via s106 in the event that planning permission is approved.

Updated Recommendation:

The recommendation has been updated to reflect the fact that the Kirklees Local Plan is now the statutory development plan.

RECOMMENDATION: Refuse

For the following reason:

1) The site forms part of a wider Priority Employment Area as detailed in the Kirklees Local Plan. The provision of residential accommodation in this location would not be compatible with the allocation and would prejudice the continued use of neighbouring land for employment purposes and detrimentally affect the flexibility of those established uses. The proposal is therefore in conflict with Policies PLP8, PLP24 and PLP52 (as modified) of the Kirklees Local Plan.

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