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**Report of the Head of Development Management**

**STRATEGIC PLANNING COMMITTEE**

**Date: 02-Mar-2017**

**Subject: Planning Application 2016/92887 Erection of one dwelling and garage for use as bus depot and vehicle maintenance (within a Conservation Area)  
Star Coaches of Batley Ltd, 2, George Street, Batley, WF17 5AU**

**APPLICANT**

Star Coaches Holdings  
Ltd

**DATE VALID**

25-Aug-2016

**TARGET DATE**

24-Nov-2016

**EXTENSION EXPIRY DATE**

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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: Batley East**

No

Ward Members consulted

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**RECOMMENDATION:**

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

**1.0 INTRODUCTION:**

- 1.1 The proposal is considered to be acceptable in principle on this unallocated brownfield site. There would be no detrimental impact on highway safety. Planning conditions can adequately cover matters of noise and drainage.
- 1.2 The application is reported to Strategic Committee as the proposal is non residential and exceeds 0.5 ha in size.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 The 0.68 hectare site comprises a former chemical works within a mixed use industrial / residential area roughly half a kilometre south of Batley town centre. The site has vehicular access from both Victoria Avenue to the west and from George Street to the east. The former buildings have now been demolished pursuant to an earlier prior notification application Ref 2013/93481 and the site has been used as a coach park for the last two years, with a small modular building on site which also serves as an office.
- 2.2 The site abuts New Ings Mill to the north, George Street to the north, and a raised wooded embankment to the south and west, beyond which are playing fields to the south and west. The site is unallocated on the Unitary Development Plan Proposals Map and falls within the Station Road conservation area.

**3.0 PROPOSAL:**

- 3.1 The application seeks permission for the erection of a garage; for use as a bus depot and vehicle maintenance for Star Coaches. Historically the company has operated from residential premises at 25 Talbot Street with

coach parking and garages to the rear. Permission is also sought for the erection of a dwelling to be occupied by the applicant for onsite management presence and security.

- 3.2 The proposed is to erect a 5 bay two storey garage building with ancillary offices in the south western portion of the site with a turning area and coach parking to the front of the building. The garage will be used to park and maintain / repair vehicles as well as for refuelling whilst the ancillary offices will function as the new day to day headquarters for Star Coaches. The building will be a steel portal frame construction with composite aluminium cladding in RAI 9006 Silver / Grey with a similar composite roof with powder coated, roller shuttered garage doors. The principle access would be from Victory Avenue, with a secondary access off George Street to serve an area of staff parking.
- 3.3 The proposed dwelling would be located directly off George Street and served by a separate access. The proposed dwelling would be of a substantial scale with a modern contemporary appearance, to be constructed of natural coursed stone, beige render and grey roof tiles.

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 2013/93481 – Prior Notification for demolition of de-commissioned chemical works and associated warehousing and offices (within a conservation area) – Demolition Details Approved

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Officers have negotiated with the agent for the following revisions:
- A revised house type to address the impact on the Conservation Area
  - Revised drainage details to address concerns raised by Yorkshire Water
  - Updated Acoustic Report to address the concerns raised by Environmental Services regarding the impact on residential amenity.

#### **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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was published for consultation on 7th November 2016 under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council considers that, as at the date of publication, its Local Plan has limited weight in planning decisions. However, as the Local Plan progresses, it may be given increased weight in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary

from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved 2007) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 D2 – Unallocated Land
- BE1 – Design principles
- BE2 – Quality of design
- BE12 – Space about buildings
- T10 – Highway Safety
- G6 – Contamination

Supplementary Planning Guidance / Documents:

- 6.3 None

National Planning Guidance:

- 6.4 Chapter 1 – Building a strong competitive economy
- Chapter 7 – Requiring Good Design
- Chapter 10 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 11 – Conserving and Enhancing the Natural Environment
- Chapter 12 – Conserving and Enhancing the Historic Environment

**7.0 PUBLIC/LOCAL RESPONSE:**

- 7.1 The application was initially advertised by neighbour letter, site notice and press notice expiring 6<sup>th</sup> October 2016. One representation has been received from a resident in George Street. The main concerns raised are as follows:
- 7.2 “Concern Star Coaches reverse coaches up George Street and leave them in the road blocking George. No objections if access would not be from George Street”.
- 7.3 The amended house type has been subject to a period of re-advertising which expired on 20<sup>th</sup> January. No further comments have been received.

**8.0 CONSULTATION RESPONSES:**

**8.1 Statutory:**

**K.C Highway Services** – No objections

**The Environment Agency** – No objections

## 8.2 **Non-statutory:**

**K.C Environmental Services** – No objections

**Flood Management** – No objections

**K.C Conservation and Design** – No objections

**The Environment Agency** – No objections

**Yorkshire Water** – No objections

## 9.0 **MAIN ISSUES**

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

## 10.0 **APPRAISAL**

### Principle of development

- 10.1 The site is a brownfield site located within a mixed use area. The site has no specific allocation on the UDP Proposals Map. Policy D2 of the UDP states “planning permission for the development (including change of use) of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”. All these considerations are addressed later in this assessment. Subject to these not being prejudiced the proposal would be acceptable in principle in relation to policy D2 of the UDP.
- 10.2 At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development where local planning authorities should positively seek opportunities to meet the development needs of their area. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21<sup>st</sup> century.
- 10.3 Star Coaches operate a fleet of fifteen vehicles with eighteen employees. The proposal, on this site of a former chemical works, would support the continued expansion of this business, and make efficient re-use of a redundant brownfield site. The principle of development is considered to be acceptable.

## Urban Design / Heritage issues

- 10.4 The site is located within the Station Road conservation area where in accordance with policy BE5 of the UDP proposals for development should contribute to the preservation or enhancement of the character and appearance of the area. Paragraph 131 of the NPPF states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets... and the desirability of the development making a positive contribution to local distinctiveness.
- 10.5 The proposed design of the garage is functional for its intended purpose and it is considered the proposed scale of the building would not be out of keeping within this mixed use commercial and residential area. The building would be screened from neighbouring properties off Victory Avenue by an existing mature tree line. The proposed facing materials would be satisfactory in keeping with and preserve visual amenity in accordance with policies BE1, BE2 and BE5 of the UDP, as well as chapter 7 of the framework.
- 10.6 The proposed detached dwelling is of a relatively substantial scale with a contemporary appearance. The proposal would satisfactorily relate to the character and appearance of the conservation area. The proposed construction materials of natural coursed stone, beige render and grey roof tiles are considered to be acceptable.

## Residential Amenity

- 10.7 The surrounding area is of mixed use with residential properties located to the west of the site off George Street, to the east off Victoria Avenue, and to the south of the site off Taylor Street.

## *Noise Issues*

- 10.8 The applicant has submitted an Acoustic Report. The existing office of Star Coaches is 25 Talbot Street and the company operate 24 hours a day, seven days a week. Within the supporting information it is noted the peak times are 06.30 - 09.00 Monday to Friday with approximately 8 coaches leaving the site, and 16.30 -18.00 when children require picking up. During week days there are also some private hire bookings, mainly for schools for educational day trips. The remaining vehicles are used for other private hire bookings. It is the intention to carry on with this operation.
- 10.9 Environmental Services support the application in principle. They raised concerns however, about the impact on noise levels of neighbouring properties, and future occupiers of the proposed dwelling.
- 10.10 The acoustic report makes an assumption that no more than 3no vehicles would be idling at any one time. Environmental Services are concerned that the report has not taken into account the worst case scenario, taking into account that there are at least 15 coaches on site. They are also concerned

that the intermittency of the noise has not been taken into account, and that if it had, the noise from the coaches idling would be above background levels on a night, which would fail to meet BS4142 and would have an adverse impact on the residents of George Street. Environmental Services have also raised concern that the noise from the maintenance building has not been fully addressed.

- 10.11 The applicant has confirmed that the company would be unable to operate with any restriction on a 24 hour use, and have confirmed, in accordance with the Acoustic Report, that there no more than 3 coaches idling at any one time between the hours of 22:00 and 06:00. To support this existing business and to prevent an unacceptable impact on residential amenity, it is considered reasonable to impose conditions that stipulate a maximum noise level at the boundaries of the site. This is to prevent an unacceptable impact on the amenity of residents off George Street, Taylor Street and Victoria Avenue. These conditions have been agreed with the applicant to ensure that they can still operate their business with these restrictions. Regard is also to be had to the previous use of the site which was an unrestricted commercial use and further commercial uses, such as storage and distribution or general industry could take place on the land again without restriction. The proposed use, which could generate some noise, can be conditioned to meet an accepted level, and therefore there is an overall improvement compared to the unrestricted historic use of the site.
- 10.12 The applicant also proposes to provide an acoustic screen at a height of 2.5 metres on the boundary of the parking area and the proposed dwelling to mitigate the impact on the nearest neighbouring properties off George Street. Calculations have been submitted in an addendum to the Acoustic Report and Environmental Services recommend that these mitigation measures are to be completed before the site is first brought into use.
- 10.13 With regards to the impact on the proposed residential property within the site, Environmental Services initially raised concern that noise levels to this property could not be mitigated to a satisfactory level that would avoid the need for occupation of the dwelling to be tied to the business. They were concerned the Acoustic Report only takes into account idling buses and not bus movements throughout the day, and that this is not an accurate reflection of what the noise climate would be.
- 10.14 As noted the Acoustic Report suggests mitigation in the form of an Acoustic Fence at a height of 2.5 metres to be erected between the boundary of the dwelling and the remainder of the site. Environmental Services are satisfied that the proposed mitigation measures are acceptable, subject to the fencing being provided in accordance with the recommendations of the acoustic report.
- 10.14 Subject to conditions, it is considered noise issues can be satisfactorily addressed.

## *Other Issues*

10.14 In respect of the impact arising from the proposed siting of the dwelling and positioning of habitable room windows, the nearest residential properties include No.29 George Street which has 2 non habitable room windows on the side elevation, and the rear of properties off Talbot Street. It is considered there would be no loss of privacy or overbearing impact on these neighbouring properties in accordance with policy D2 of the UDP.

### Landscape issues

10.15 The dwelling would be contained within its own curtilage, otherwise there would be minimal landscaping to the wider site. A condition will be imposed asking for a landscaping scheme and details of boundary treatment associated for the proposed dwelling.

### Highway issues

10.16 Policy T10 of the UDP states that “new development will not normally be permitted if it will create or materially add to highway safety or environmental problems . . .”

10.17 Highway Services consider the proposed dwelling is satisfactorily segregated from the rest of the operational site and as such there are no concerns regarding vehicular and pedestrian conflict with the operational element of the site. The level of parking is appropriate and in accordance with the maximum adopted standards prescribed within the UDP. As such the proposed residential access is adequate and supported.

10.18 With regards to the operational element of the proposal, the proposed site is suitable in terms of its existing access and previous B2 use to accommodate the modest level of traffic associated with the proposal and its ability to accommodate full size coaches. Adequate turning facilities exist on site for full size coaches. It is considered the proposed development will not significantly impede the safety and efficiency of the adjoining highway network. There would be no detrimental impact on highway safety and the proposal would accord with policy T10 of the UDP.

### Drainage issues

10.19 The NPPF sets out the responsibilities for Local Planning Authorities determining planning applications, including flood risk assessments taking climate change into account and the application of the sequential approach.

10.20 Flood Management raise no objections in principle but recommend that a full scheme is submitted via condition. An interceptor will also be required given the nature of the business.

10.21 Yorkshire Water has no objection in principle to the proposed separate systems of drainage on site and off site, the proposed amount of domestic



foul water to be discharged to the public combined sewer, and the proposed point of discharge of foul water to the public sewer.

### Representations

10.22 One representation has been received. In so far as the comments have not been addressed above.

10.23 Concerns regarding Star Coaches reversing coaches up George Street and leaving them in the road blocking George. No objections if access would not be from George Street.

**Response:** Access to the coach parking area will be from Victoria Terrace with a secondary access from George Street. Highway Services are satisfied that the proposed site is suitable in terms of its existing access points to accommodate the modest level of traffic associated with the proposal.

### Other Matters – Contaminated Land

10.24 The application is supported by a Contaminated Land Report by Ian Farmer Associates Ref 2150. Environmental Services broadly agree with the majority of the findings, however, the report acknowledges that there has been no testing of soils in part of the site. To determine what suitable mitigation is required to support the proposed residential use, they recommend that the required testing and analysis be done before development commences. This can be addressed through submission of a Phase II Contaminated Land Report.

## **11.0 CONCLUSION**

11.1 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. This application has been assessed against relevant policies in the development plan and other material considerations and it is considered the proposal would constitute sustainable development.

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

1. Timescale for development
2. Development in accordance with approved plans
3. A scheme detailing arrangements and specification for layout and parking
4. A scheme detailing the design and construction of all retaining walls and building walls supporting the adjacent highway.
5. A scheme detailing foul and surface water drainage

6. No pumped surface water discharge from site to local drainage networks.
7. A scheme detailing the treatment of surface water flows from parking areas and hardstanding's through an oil interceptor.
8. Phase II Contaminated Land Report
9. Remediation Strategy
- 10 Implementation of Remediation Strategy
11. Validation Report
12. Landscaping Plan / details of boundary treatment (dwelling)
13. The development shall be carried out in accordance with the Acoustic Report J2526-R3-RR and all mitigation measures shall be completed before the site is first brought into use.
14. The LA1(15 min) from the site shall not exceed 60dB on street outside 29 George Street between 11.00pm and 7.00am when measured at typical first floor bedroom level. The LAmax from the site shall not exceed 70dB on street outside 29 George Street between 11.00pm and 7.00am when measured at typical first floor bedroom level.
15. The 1 hour LAeq from the site shall not exceed 37dB on the street outside 29 George Street when measured at typical first floor Bedroom level between 11.00pm and 7.00am.
16. The 1 hour LAeq from the site shall not exceed 37dB on the street outside 29 George Street between 11.00pm and 7.00am.
17. The 1 hour LAeq from the site shall not exceed 44dB on the street outside the site entrance on Victoria Avenue when measured at typical first floor Bedroom level between 11.00pm and 7.00am.
18. The 1 hour LAeq from the site shall not exceed 43dB on the street outside the site entrance on Victoria Avenue.
19. The LA1(15 min) from the site shall not exceed 60dB on street outside the entrance on Victoria Avenue between 11.00pm and 7.00am when measured at typical first floor bedroom level.
20. The LAmax from the site shall not exceed 70dB on street outside the site entrance on Victoria Avenue between 11.00pm and 7.00am when measured at typical first floor bedroom level.
21. The 1 hour LAeq from the site shall not exceed 45dB on the street outside 197 Taylor Street between between 11.00pm and 7.00am.

22. The LA1(15 min) from the site shall not exceed 60dB on street outside 197 Taylor Street between 11.00pm and 7.00am when measured at typical first floor bedroom level.

23. The 1 hour LAeq from the site shall not exceed 43dB on the street outside 197 Taylor Street when measured at typical first floor bedroom level between 11.00pm and 7.00am.

24. The LAmax from the site shall not exceed 70dB on street outside 197 Taylor Street between 11.00pm and 7.00am when measured at typical first floor bedroom level.

**Background Papers:**

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f92887>

Certificate of Ownership –Certificate A signed