
Report of the Head of Development Management

STRATEGIC PLANNING COMMITTEE

Date: 02-Mar-2017

Subject: Planning Application 2016/94262 Erection of industrial development of suis-generis, B1 and B8 floorspace adj Neiley Garage, New Mill Road, Honley, Holmfirth, HD9 7AL

APPLICANT

Simon Rodgers,
Tetherdown Ltd

DATE VALID

17-Jan-2017

TARGET DATE

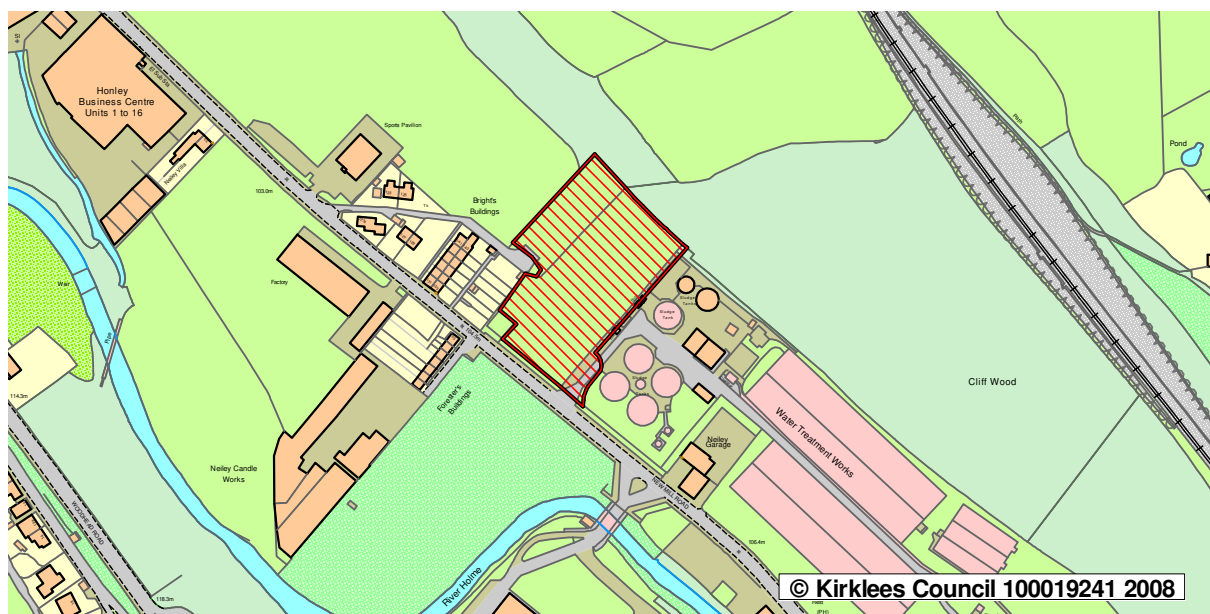
18-Apr-2017

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected:

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION:

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

1.0 INTRODUCTION:

- 1.1 The proposals are brought forward to the Strategic Committee for determination in accordance with the Council's Scheme of Delegation, as the application site boundary is for non- residential development over 0.5 hectares in size.
- 1.2 It is considered that the development is satisfactorily designed and, subject to the inclusion of planning conditions, would not have any significant effect on local amenity, the local environment or highway safety.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site is located to the north east of New Mill Road, Brockholes. The site measures 0.8ha in size and is currently a site of vacant semi-improved grassland. To the south east is the existing Neiley water works. To the north west of the site is a row of terraced houses and their rear garden areas which back onto the site. A football pitch which is part of the New Mill Road playing fields also shares the north western boundary of the application site. To the north east is a belt of mature woodland which rises up the escarpment. Members may recall a recent site visit (2nd February 2017 committee) to a planning application on the opposite side of the road at Former Brook Motors Sports Field, for the proposed erection of club house and re-instatement of football field Road (ref: 2016/93004).

3.0 PROPOSAL:

- 3.1 The proposal seeks full planning permission for the erection of two industrial units of Business (B1) and Storage/Distribution (B8) and suis-generis uses on land north east of New Mill Road, Brockholes. The proposal includes vehicle

parking and turning areas within the site and utilises the existing vehicular access to the adjacent water works site from New Mill Lane but proposes some modifications. This development represents a relocation of the existing Rogers Plant Hire Business from Woodhead Road in Honley and release the current depot for potential development. This part of the proposal classed as a suis-generis use.

- 3.2 The proposed Plant Hire Business will occupy the rear half of the site with areas of open yard space and car parking areas provided abutting the eastern boundary. The workshop will accommodate machinery employed with a portal framed shed both maintenance and cleaning bays. The front bay is to accommodate two floors with a ground floor trade counter and management offices and staff facilities above. The proposed speculative units towards the front of the site also involve portal framed construction with the aim of providing flexible accommodation.
- 3.3 The buildings proposed are the following sizes:
Speculative building 42mx22m (Main part of building)
Hire business building 31m x 21m

4.0 RELEVANT PLANNING HISTORY

- 4.1 Outline planning application for erection of industrial development (ref:2013/93959). Was approved on 16th October 2016.

5.0 PLANNING POLICY:

- 5.1 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:

- 5.2 . BE1 – Design Principles
· BE2 – Quality of Design
· BE23 – Crime Prevention
. EP6 – Development and Noise

- NE4 – Sites of Wildlife Significance
- NE9 – Retention of Trees
- T10 – Highway Safety
- T19 – Parking Standards
- G6 – Contaminated Land
- D2 – Development on Land without Notation on the UDP Proposals

Draft Local Plan

- 5.3 The site is shown as unallocated in part and also as Waste safeguarding

National Planning Guidance:

- 5.4 National Planning Policy Framework:
- NPPF1: Building a strong, competitive economy
 - NPPF7: Requiring good design
 - NPPF8: Promoting healthy communities
 - NPPF10: Meeting the challenge of climate change, flooding and coastal change
 - NPPF11: Conserving and enhancing the natural environment
- 5.5 Other Guidance:
Planning Practice guidance Suite March 2014

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised by neighbour letter, press notice and site notice. As a result of that publicity 1 representation was received. The main concerns raised are summarised as follows:
- There does not appear to be any proposal for landscaping to screen the development along the southern boundary with New Mill Road
 - Development will have a strong impact on the housing in Forester's Buildings, to the opposite side of New Mill Road
 - The proposal to clad the buildings in a silver metallic finish means that they will stand out from, rather than blend into the surrounding environment
 - Increased noise pollution and traffic congestion from traffic movement on the site. The number of HGV vehicles using the site when the speculative units are occupied is unknown
 - Vehicles used by the employees would be entering and leaving the site at a time when the traffic on New Mill Road is already heavy.
 - Permission has also now been granted for the re-instatement of a football pitch on the Brook Motors Playing Field, with provision for a significant

number of car parking spaces and associated vehicle movements on and off the site. The two sites are almost directly opposite each other.

- It can already be very difficult for pedestrians to cross the road or for cars to pull out into the stream of traffic. We are concerned that permission should not be granted to use the site outside of normal working hours
- The area is currently very quiet during the evening and at weekends and noise and light pollution from the site would have a detrimental effect on both the local residents and wildlife.

Holme Valley Parish Council:

6.2 Support the application subject to an amendment to one of the opening times; as the development backs onto residential properties, operations should not start until 8am on Saturdays

7.0 CONSULTATION RESPONSES:

7.1 Statutory:

7.1. **KC Highways Development Management** – Comments awaited

7.2 **Environment Agency** – No objections subject to adequate sequential test and conditions

7.3 Non-statutory:

7.4 **KC Environmental Services** –No Objections subject to conditions

7.5 **KC Ecology** – Comments awaited

7.6 **Kirklees District Police Architectural Liaison Officer (PALO)** – No objections subject to condition

7.7 **KC Strategic Drainage** – No objections subject to conditions

7.8 **KC Trees**- No objections subject to condition

8.0 MAIN ISSUES

- Principle of development
- Design
- Residential amenity
- Highways
- Drainage & Flood Risk
- Trees
- Representations

9.0 APPRAISAL

Principle of development

- 9.1 The site is without notation on the UDP Proposals Map currently consists of an open greenfield located between an existing water treatment works to the south east, and a row of residential properties and a playing field to the northwest. Policy D2 (development of and without notation) of the UDP is relevant for such sites and states “planning permission for the development ... 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 and subject to these not being prejudiced, the development of the site would be acceptable in principle in relation to policy D2 of the UDP.
- 9.2 The application seeks to redevelop a greenfield site for business purposes. One of the core principles of the NPPF is to proactively drive and support sustainable economic development to deliver...business and industrial units the country needs and to ‘respond positively to wider opportunities for growth’. The application has been considered taking into account this and the presumption in favour of sustainable development at the heart of the NPPF.
- 9.3 The suitability of the site for commercial use has been established by the Outline planning consent granted in 2014 (ref:2013/93959) and significant weight can be given to the planning history of the site. In conclusion the principle of development is considered to be acceptable

Design issues

- 9.4 Policies BE1 and BE2 of the Council’s UDP seek to control design and quality of new development. The plans and the Design & Access statement submitted as part of the application demonstrates how the development will sit on the site and the design objectives.
- 9.5 The proposed units will be simple portal framed structures, clad with profiled composite metal cladding. Areas of glazing will define entrance/ public areas whilst large scale industrial doors will provide access to the storage areas.
- 9.6 Accompanying the application is a document entitled ‘Crime and Security Measures’, which details items proposed to be incorporated in the development to reduce the opportunity for crime. Detail in this document covers:
- Boundary fencing
 - Defensive planting and landscaping
 - Surveillance of car parking areas, provision of external lighting and CCTV
 - Intruder alarm system
 - Security specification of external doors and ground floor windows

- 9.7 Given the detail provided, the council's Police Liason Officer has no objection to the scheme subject to a planning condition securing the specified security measures.
- 9.8 It is considered that the form of development proposed would be acceptable in the context of policies BE1 and BE2 taking into account other commercial development along the New Mill Road corridor.

Residential Amenity

- 9.9 The site is located in a mixed residential/commercial area, with the closest residential properties located to the north west. These dwellings at their closest point are approximately 20 metres from the application site. The submitted layout shows that the 2 units would be located to the east of the nearest residential properties. The height of the proposed units does not exceed 8.5 metres which is approximately 0.5 meters above the height of the houses to the north west of the site. The scale of the units is considered to be appropriate for the site's location and close proximity to residential units.
- 9.10 The separation distance of the units from the dwellings exceeds 35metres and is considered sufficient to reduce the potential impact of the buildings upon the living conditions of occupants and their enjoyment of the private garden areas to the rear.
- 9.11 The use of a landscaping will assist in softening the visual impact of the development on the affected residential properties. Hedge planting is proposed and any further landscaping required can be conditioned.
- 9.12 The council's environmental team have been consulted and have commented on various issues such as floodlights, land contamination and noise. With regards to floodlighting, the lighting scheme (Holophane plan P172-642-REV 1 dated 24-November-2016) appears suitable for this development in terms of sufficient lighting levels and minimal overspill lighting so not to adversely affect the nearest residential properties providing that the hours of operation are controlled by condition.
- 9.13 When the outline application was submitted in 2013 a contaminated land phase 1 report was submitted. A Phase II Site Investigation report has been submitted with this current application (RGS Ltd dated 12-07-2016 Ref J3475/16/E), which was reviewed by Environmental Services officer's. The conclusions of the report are that gas protection measures (CIRIA CS2) are required in the buildings, and that development should proceed on a precautionary basis in case contamination not already identified is discovered. It is recommended that the conditions are applied to any consent granted
- 9.14 In order to protect nearby residents from the noise within the plant hire depot service yard, an acoustic fence will need to be installed along the North West boundary of the service yard of the Plant Hire Centre Unit. A condition requiring this is required and so it is installed prior to the uses commencing.

Other conditions restricting hours of operation of the site are recommended preventing activities and deliveries outside the hours of 0700 and 1830 Monday to Friday, 0800 to 1830 Saturdays and 1100 to 1700 on Sundays. Similarly restricting operations during the construction phase.

- 9.15 No detail has been given on any fixed plant to be installed in any of the Proposed units. As the ones (closest to residential properties) are B8 Use, there should not be any need for large scale plant (e.g. extraction flues, refrigeration units, air conditioning etc.). However, plant can cause noise problems for nearby residents, so as a precaution a condition should be attached.
- 9.16 The proposal is considered to have an acceptable impact on residential amenity, and would comply with Policies D2, EP4, and EP6 of the UDP

Highway issues

- 9.17 The application is supported by a Transport Statement (Sanderson Associates August 2016). Outline planning consent for access in relation to the application site was granted in 2013. The outline approval for the site consents to 2600sqm of B1, B2 and B8 floorspace. The proposed development consists of a plant hire business of 860sqm with the remainder of the site being given over to 1245sqm B1/B2 use. The level of parking provision proposed is considered acceptable and in line with the adopted standards as prescribed within the UDP. With regards to the consented development of 2600sqm B1/B2/B8, the data utilised for the 2013 consent has been used for this assessment which would suggest circa 377 two-way movements during a 24 hour period with circa 28-35 two-way movements during each peak hour. Using the same TRICS data from the 2013 consent sees the proposed 1245sqm B1/B2/B8 generate circa 182 two-way movements during a 24 hour period with circa 16 two-way movements during the peak hours. The difference in peak hour trips between the consented development and the proposed development is minimal (plus 6 and plus 3 two-way movements in the AM/PM peak). As such, the proposal is considered acceptable in that regard.

Drainage issues

- 9.18 The site lies within Flood Zones 2 and 3, which has a medium/high flood risk. Paragraph 101 of the National Planning Policy Framework (NPPF) requires decision makers to steer new development to areas at the lowest risk of flooding by applying a Sequential Test.
- 9.19 A drainage statement was submitted with the application that bases the drainage scheme upon the conditions that were previously agreed for the outline planning consent in 2014. The applicants have revisited the outcomes of the previous application and submitted an addendum which updates the

position since the 2014 outline consent both in terms of the Flood Risk Assessment and the Sequential Test.

9.20 The council's drainage team were consulted on this application and their comments are summarised below as follows:

The majority of the site is flood zone 2 and parking areas largely form the areas occupied by zone 3 with a possible exception of the south end of the proposed building. A FRA should justify whether this forms a sequential approach, i.e. buildings are located in the safest possible location within the site.

The position of a public combined sewer pumping station at the south west corner of the site should be noted. Yorkshire Water may wish to impose a regulation stand-off distance that could amount to 15 metres.

Surface Water flood maps indicate a potential area of ponding within the site. The FRA should examine this pre and post development to ensure that buildings and future users are not negatively affected and risk is avoided.

There should be a preference to connect surface water discharges to watercourse. However this may not be possible as it requires a crossing of 3rd party land. Other systems are available and this can be dealt with under condition. Justification of selection in line with the surface water hierarchy of disposal will be required. Providing the issues are addressed the drainage team recommend several conditions concerning:

- drainage details
- Surface Water Connections
- Flow Restriction & Surface Water Attenuation
- Overland Flows and Flood Routing
- Interceptor for Surfaces and Car Parks

9.21 The Environment Agency was consulted and commented as follows:

Assuming the Sequential Test requirements are fulfilled, we are satisfied that this development, given its scale and nature, could go ahead with the inclusion of the following planning condition on any planning permission:

- *Finished floor levels must be set no lower than 104.8m above Ordnance Datum (AOD).*

Trees

9.22 The site is located adjacent a number of trees to the north east of the site which are protected by Tree Preservation. The applicant has provided an Arboricultural survey and the application has been considered by the Council's Arboricultural Officer and the details are considered to be acceptable subject to the imposition of a condition.

- 9.24 The proposal is considered to have an acceptable impact on the adjacent protected trees and would comply with Policy NE9 and the NPPF.

Representations

- 9.25 The proposal to clad the buildings in a silver metallic finish means that they will stand out from, rather than blend into the surrounding environment

Response

A condition is proposed to cover the final detailing of the cladding to ensure the finish is not highly visible out or of keeping with the surroundings.

- 9.26 Increased noise pollution and traffic congestion from traffic movement on the site. The number of HGV vehicles using the site when the speculative units are occupied is unknown

Response

The site is located within a mixed use area and there are no objections raised by Environmental Services in terms of environmental impacts. Highway comments will be reported in due course.

- 9.27 Vehicles used by the employees would be entering and leaving the site at a time when the traffic on New Mill Road is already heavy.

Response

The outline consent has granted an improved access which includes a 7.3m wide carriageway, 15m kerb radii and a single connecting 2m wide footway. Vehicular visibility splays in line with the 85th %ile wet weather speeds are achievable.

- 9.28 Permission has also now been granted for the re-instatement of a football pitch on the Brook Motors Playing Field, with provision for a significant number of car parking spaces and associated vehicle movements on and off the site. The two sites are almost directly opposite each other.

Response

The reuse of the football pitch and the proposed industrial development are not envisaged to result in any significant impacts in relation to comings and goings.

- 9.29 It can already be very difficult for pedestrians to cross the road or for cars to pull out into the stream of traffic. We are concerned that permission should not be granted to use the site outside of normal working hours

Response

Hours of use of the development are conditioned.

- 9.30 The area is currently very quiet during the evening and at weekends and noise and light pollution from the site would have a detrimental effect on both the local residents and wildlife.

Response

The site is located within a mixed use area and there are no objections raised by Environmental Services in terms of environmental impacts. Conditions controlling hours of use and floodlights are also proposed.

10.0 CONCLUSION

- 10.1 The proposed development industrial development of B1 and B8 and Sui Generis uses is considered to be acceptable in principle. The development would provide employment space in a sustainable location where there are other similar uses along the New Mill Road corridor. The proposal is similar in scale and potential impacts to the outline consent that was granted in 2014.

- 10.2 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. 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

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

- 1. 3 year standard condition for the commencement of development;**
- 2. Standard condition- development to be completed in accordance with approved plans;**
- 3. Boundary treatments to be approved;**
- 4. Crime prevention measures to be implemented**
- 5. Highways condition to cover sight lines, car parking, surfacing material prior to building works starting**
- 6. Environment Agency condition on finished floor levels;**
- 7. Drainage Strategy- surface water run off; flow routing and temporary drainage solutions;**
- 8. Finished floor levels must be set no lower than 104.8m above Ordnance Datum (AOD).**

9. **Hours of use of the facility on site 7am-6.30 Monday to Friday, 8am-6.30 Saturday. 11am-5pm Sunday.**
10. **Hours of operation of floodlights shall not operate outside the hours of 0700 to 1830 on any day.**
11. **Implementation of the Remediation Strategy**
12. **Submission of Validation Report**
13. **Acoustic Barrier**
14. **Fixed plant**
15. **Construction Site Operation hours**
16. **Electric Vehicle Charge Points**
17. **Landscaping scheme & implementation**
18. **Details of external cladding to industrial units to be agreed.**
19. **Construction method statement to be approved.**

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f94262>

Certificate of Ownership – Notice served on/ or Certificate A signed:

