
Report of the Head of Development Management

STRATEGIC PLANNING COMMITTEE

Date: 02-Mar-2017

Subject: Planning Application 2016/92866 Erection of 6 no. industrial units with office accommodation, formation of car parking and service yards and associated works Colne Bridge Road, Colne Bridge, Huddersfield, HD5 0RH

APPLICANT

Frank Marshall Estates
Ltd

DATE VALID

31-Aug-2016

TARGET DATE

30-Nov-2016

EXTENSION EXPIRY DATE

09-Mar-2017

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:

Ashbrow

No

Ward members notified

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 This application is brought to the Strategic Planning Committee as the proposal involves non-residential development of a site that exceeds 0.5ha in area.
- 1.2 This proposal would see the erection of 6 new industrial units on a vacant plot within an established concentration of commercial uses. 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 a vacant plot within a wider area of commercial development occupying an area of around one hectare and is located approximately 800m east of the centre of Bradley and 1km north east of Deighton. The site is bounded to the south by the Huddersfield to Leeds/Wakefield railway line and to the east by Colne Bridge Road (B6118). The immediate surrounding area is commercial in character with only a few residential properties located 130m to the north east.
- 2.2 The site is located within an area which is without notation in the Council's adopted Unitary Development Plan. The site has been cleared and levelled ready for development and soils have been stockpiled on the eastern side of the site. The site has been left for several years and is now covered by weeds and, at present, has an unkempt scrubby appearance. An access spur has been created on the northern boundary.
- 2.3 Access to the site can be gained along a two lane highway which adjoins Colne Bridge Road at a roundabout immediately to the north east of the site.

3.0 PROPOSAL:

- 3.1 The applicant proposes to build 6 new industrial units. These would comprise 3 linked units on the southern part of the site, a double unit in the north west sector and a single unit in the north east sector. Units 1,2,3 are separated from units 4,5,6 by a service yard area which includes staff /customer parking areas and a vehicle turning area.
- 3.2 The new buildings would vary in size but all contain office and welfare facilities. The dimensions of each have been summarised in the following table:

Unit No.	Length (m)	Width (m)	Height to Ridge (m)	Floor space (sq. ft)
1	35	22	8	7000
2	40	27	8	10750
3	32	23	7.5	7500
4	26	23	7.5	6000
5	16	16	7.5	2500
6	23	16	7.5	3850

- 3.3 The units will be of a traditional steel framed design with a dwarf wall constructed from brickwork with metal profile cladding used on the walls and roof. Each unit would have at least 1 loading door in the front elevation of the building.

4.0 RELEVANT PLANNING HISTORY

2009/92523 - Erection of high bay warehouse, delivery docks, 4 storey order processing and despatch docks, product development studios, staff welfare facilities, factory shop and basement parking, formation of product conveyor bridging and access road (Approved 21/01/2010)

5.0 HISTORY OF NEGOTIATIONS

During the consideration of this application a re-siting of Units 4,5 and 6 was secured in order to minimise the impact of the development on trees on the southern boundary of the site.

Following concerns raised by the Council's Biodiversity Officer regarding the potential detrimental impact this development may have on local biodiversity, the applicant agreed to incorporate sections of living walls within the development.

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).

6.2 Kirklees Unitary Development Plan (UDP) Saved Policies 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 (adopted 1999) remains the statutory Development Plan for Kirklees.

D2 – Unallocated Land
B1 – Employment Needs
BE1 – Design principles
BE2 – Quality of design
EP4 – Noise generating development
G1 – Securing regeneration
G6 – Land contamination
T10 – Highway safety
T19 – Parking standards

6.3 National Planning Guidance:

NPPF Section 1. Building a strong, competitive economy
NPPF Section 7 Requiring Good Design
NPPF Section 10 Meeting the Challenge of Climate Change, Flooding and Coastal Change
NPPF Section 11. Conserving and enhancing the natural environment

7.0 **PUBLIC/LOCAL RESPONSE:**

- 7.1 This application was publicised by the posting of 4 site notices in the vicinity of the site, the mailing of 2 neighbourhood notification letters and an advertisement in the local press. No representation have been received with regard to this proposal.

8.0 **CONSULTATION RESPONSES:**

8.1 **Statutory:**

KC Highways - No objections subject to planning conditions requiring that:

2.4 x 43m sightlines are created at the access point prior to development being brought into use

All areas to be used by vehicles and pedestrians are surfaced sealed and drained.

Proposed turning facilities are provided prior to development being brought into use

Railway Infrastructure Manager – No response

8.2 Non-statutory:

KC Environmental Services – No objection subject to planning conditions which require:

- Prior to development commencing, the submission of details indicating how the occupiers of nearby sensitive properties will be protected from noise emissions generated at the site.
- The submission of a scheme indicating how impacts on Air Quality in the area will be mitigated.
- Measures to deal with any contamination at the site which has not been previously identified.

KC Environment Unit – Originally raised concerns that the loss of further woodland would have a detrimental impact on local biodiversity. However, Biodiversity officer has indicated that subject to the inclusion of living wall arrangements and compensatory tree planting the proposals are acceptable in principle.

KC Arboricultural Officer – No objection subject to a planning condition which requires the submission of an arboricultural method statement prior to development commencing.

KC Flood Management – No objection subject to a planning condition requiring the submission of drainage arrangements

Environment Agency – No objection

Yorkshire Water - No objections subject to the drainage arrangements indicated on drawing SK 100D (revision A) being implemented.

Canal & River Trust – No objection

9.0 MAIN ISSUES

- Principle of development
- Design
- local amenity
- Environmental Issues
- Drainage
- Highway issues
- Representations

10.0 APPRAISAL

Principle of development

10.1 The application site is without notation on the UDP proposals map and it is therefore considered that the principal policy determining the suitability of this proposal is D2 which indicates that development on such land will be permitted provided that the proposals do not prejudice:

- i the implementation of proposals in the plan;
- ii the avoidance of over-development;
- iii the conservation of energy;
- iv highway safety;
- v residential amenity;
- vi visual amenity;
- vii the character of the surroundings;
- viii wildlife interests; and
- ix the efficient operation of existing and planned infrastructure.

These considerations are addressed later in this assessment. Subject to these not being prejudiced, this aspect of the proposal would be acceptable in principle in relation to policy D2.

10.3 The National Planning Policy Framework makes it clear that the Government is committed to securing economic growth through the planning process and to help achieve this paragraph 20 of the NPPF states:

“.....local planning authorities should plan pro-actively to meet the development needs of business and support an economy fit for the 21st century.”

10.4 As this proposal would positively contribute towards the local economy in terms of jobs and investment, it is therefore considered that, subject to this proposal not compromising the key sustainable principles set out in the NPPF, this proposal is acceptable in principle.

Impact on Amenity

- 10.5 UDP Policies BE1 and BE2 are considerations in relation to design, materials and layout. Section 7 of the NPPF indicates that good design is a key aspect of sustainable development and that poorly designed development should be refused.
- 10.6 The area surrounding the application site exhibits a variety of architectural styles both contemporary and more traditional involving the use of different facing materials including stone, brick and metal cladding. Commercial premises in the immediate vicinity of the site include buildings constructed from materials similar to this proposal.
- 10.7 The proposed buildings are of a contemporary design making use of materials which are fairly typical for this type of development. The scale of the buildings would be similar to others in the immediate vicinity and officers therefore consider that this development would not be out of keeping within the wider setting which, as indicated, includes similar buildings. It is therefore considered that this proposal would not detrimentally affect visual amenity and would therefore accord with policies BE1 or BE2 of the UDP and national policy guidance contained in Section 7 of the NPPF.
- 10.8 When viewed from the surrounding area, this is predominantly an industrial/business area, although residential properties are located to the north of the site off Huddersfield Road and Colne Bridge Road and to the south of the site on the other side of the River Colne off Dalton Bank Road. Whilst this proposal would result in a substantial development of land, due to a combination of the topography of the area existing development and mature vegetation it would not impinge significantly on these residential properties. This proposal therefore accords with Policy D2, of the UDP in respect of residential amenity.
- 10.9 Whilst this proposal is located within an existing commercial setting there are a number of residential properties to the north of the site close to the junction with Colne Bridge Road with Leeds Road. The noise climate in this area is already high due to the busy roads, railway and existing commercial activity. However, this proposal could add to the local noise climate and the cumulative effect may therefore have an impact. Consequently it is proposed to include a planning condition which would require the applicant to provide details of how sensitive properties in the vicinity of the site would be protected from excessive noise levels.

Environmental issues

- 10.10 The site has been prepared for development but left vacant for several years and has therefore naturally regenerated. This site therefore has the potential to provide habitat opportunities for a variety of animal and plant species. The proposal would include the loss of a number of mature trees on the periphery of the site to facilitate development which could have an impact on local ecological systems

10.11 An ecological appraisal of the site has been submitted in support of this application which concluded that:

- The site is principally occupied by habitat of low ecological value
- There is no evidence of local badger populations using the site
- There is no evidence of Great Crested Newts on site
- Due to the site being in a relatively busy built up area, it is unlikely to provide support for any specifically protected bird species
- The development of the site is unlikely have a significant impact on local bat populations.

The applicant has indicated a willingness to include living walls in this development to enhance local biodiversity and to carry out replacement tree planting to compensate for the loss of a limited number of trees to facilitate development.

10.12 It is therefore considered that any detrimental impact on local biodiversity caused by this development can be satisfactorily compensated for and the sensitive restoration of the site provides an opportunity to enhance local biodiversity. Consequently this proposal accords with Section 11 of the NPPF with regard to its potential effect on local ecology.

10.13 The proposal is adjacent to an Air Quality Management Area where significant efforts have been made in recent years to improve air quality. It is therefore important to ensure that this proposal does not have a significant detrimental effect on air quality in the vicinity and that any impact is satisfactorily mitigated. Should planning permission be granted, and in order to accord with Section 11 of the NPPF, it is proposed to include a planning condition which would require the submission of a scheme prior to development commencing which will include the following:

- The provision of a low emission travel plan
- An air quality impact assessment which provides details of appropriate mitigation
- The provision of low emission vehicle charging points
- A commitment to ensure commercial vehicles using the site comply with the most recent european emission standards

Drainage

10.13 The site is located within Flood Zone 1 and therefore a has a very low probability of flooding. The applicant has included a Flood Risk Assessment in

support of this proposal which concludes that there is a very low risk of the site flooding from rivers, surface water, ground water, sewers and reservoirs.

- 10.14 The applicant proposes to drain the site using existing private sewers which were installed to cater for the existing commercial units in the vicinity and this vacant site. Surface water would drain via this system and discharge into the canal. It is considered that these sewers have the capacity to satisfactorily deal with site drainage.
- 10.15 It is therefore considered that this proposal would accord with Section 10 of the NPPF with regard to drainage and potential flood risk.

Highway issues

- 10.16 The highway infrastructure surrounding the site is satisfactory and the development would make use of an existing access road which has been constructed to an industrial standard with footways to both sides.
- 10.17 The applicant has provided Transport statement in support of their application. This assessed the likely impact that would be caused by the development on the surrounding highway network. It concluded that this development would be acceptable in terms of traffic impact and accessibility provision, and that there are no highway safety or capacity reasons why planning permission should not be granted. Officers have reviewed this assessment and are in agreement with its findings.
- 10.18 The development should be considered under the provisions of the Kirklees Strategic Enterprise Zone Supplementary Planning Document 1 (KSEZ SPD1) corridor. KSEZ SPD1 comprises a series of proposed transport improvements along the A62 Leeds Road corridor from Cooper Bridge (and Three Nuns junction) to the Huddersfield Town Centre Ring Road which aims to allow the regeneration of mainly Brownfield sites to occur.
- 10.19 The KSEZ SPD1 was adopted in September 2007 and its aim is to provide a legal mechanism to secure and pool developer contributions towards the transport infrastructure proposals. The contributions are based on extra traffic created by the developments (assessed within the planning application process) at the Cooper Bridge/Three Nuns and Bradley Road/ Colne Bridge Road junctions.
- 10.20 The threshold for developer contributions from developments within the KSEZ corridor is 9 peak hour trips through the Cooper Bridge / Three Nuns junction. The predicted peak hour trips for this proposal are considered to be 25 am and 24 pm giving a total of 49.
- 10.21 However it was agreed during negotiations carried out during the assessment of planning permission for B8 storage and distribution (2009/92523) for this site that the KSEZ contribution associated with that development would be offset against the provision of land to facilitate improvement works at the junction of the A62 Leeds Road with Colne Bridge Road.

10.22 Consequently, as peak vehicle movements are predicted to be lower than those associated with the previous planning permission outlined above, it is not considered appropriate to seek further KSEZ contributions in connection with this proposal.

10.23 It is therefore considered that subject to the conditions requiring the provision of adequate sight lines, the surfacing of vehicular area and the provision of the proposed turning facilities this proposal accords with UDP policies T10 and T19 with regard to Highway Safety.

Representations

10.24 No representations have been received in connection with this proposal

11.0 CONCLUSION

11.1 The proposal would have the potential to allow new business to locate within the Kirklees area. The design of the proposed new units is considered to be satisfactory and it is considered that the development would not appear as incongruous within this particular setting, which has similar structures within close proximity. Due to the separation distances, local topography and screening afforded by the existing built environment and existing vegetation, it is considered that, on balance, the impact on neighbouring residential properties would be limited. Furthermore this proposal would not have a detrimental impact on highway safety in the vicinity of the site. It is therefore considered that this proposal would accord with both local and national policy guidance with regard to this type of development.

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

1. Standard 3 years to implement permission
2. Standard condition requiring development to accord with approved plans
3. No development on the buildings superstructure until samples of facing and roofing materials have been approved.
4. Development not to be brought into use until 2.4 x 43m sightlines have been implemented
5. Development not to be brought into use until areas to be used by vehicles/pedestrian have been surfaced and drained
6. Development not to be brought into use until vehicle turning facilities have been implemented.

7. No development to commence until an Arboricultural Method Statement has been submitted and approved.
8. No building works to commence until measures to protect noise sensitive properties in the vicinity from the operation of the completed development have been approved.
9. The submission of a scheme assessing whether air quality will be affected in the area as a result of this proposal and any how impacts on air quality would be mitigated.
10. The submission of a scheme providing drainage details for the site.
11. Measures to deal with any contamination not previously identified.
12. The submission and approval of a revised landscaping scheme which includes the provision of living walls and compensatory tree planting.
13. Prior to the development being brought into use, the submission of a scheme indicating how the site will be artificially lit.

Background Papers:

Application and history files .

Website links to view: <http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f92866>

Certificate of Ownership – Applicant confirmed ownership of the site on via certificate A on 19.08.16.