

Report of the Head of Development Management

STRATEGIC PLANNING COMMITTEE

Date: 30-Mar-2017

Subject: Planning Application 2017/90349 Erection of storage building, garage and salt barn, formation of stone gabion walling and associated works including amendment to site boundary fence Council Depot, Headlands Road, Liversedge, WF15 6PR

APPLICANT

Chris Johnson, Kirklees
Council, Operational
Manager, Highways &
Operations

DATE VALID

03-Feb-2017

TARGET DATE

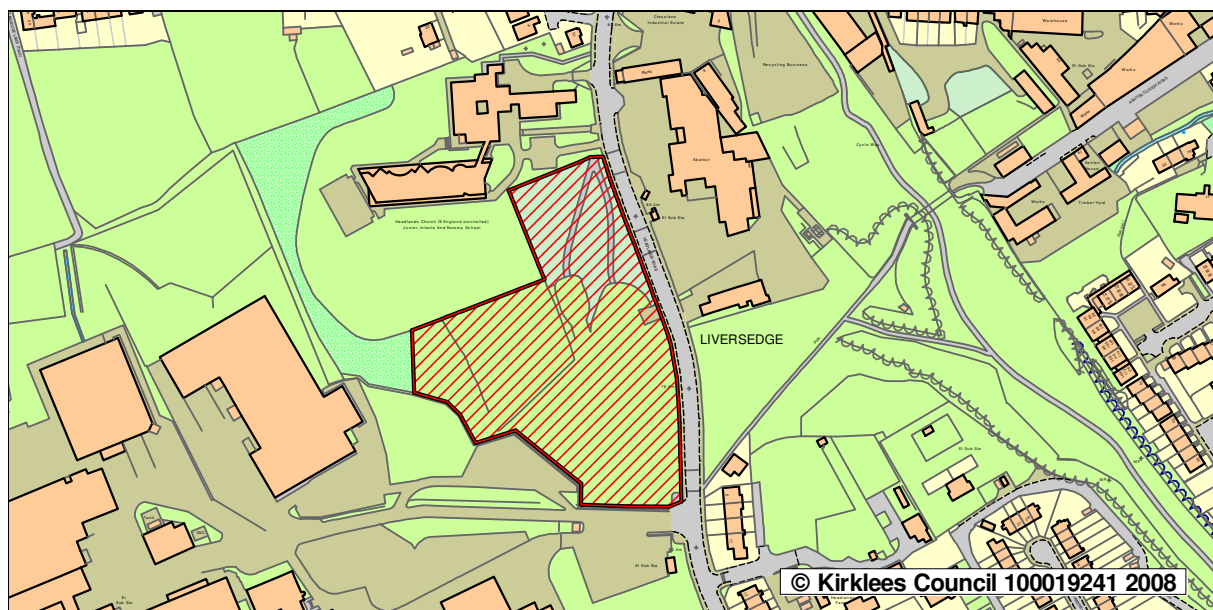
05-May-2017

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: Liversedge and Gomersal

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 following completion of the matters listed below:

1. Allow for the expiration of the publicity period which expires on 7th April 2017.

1.0 INTRODUCTION

- 1.1 The proposed development involves a non-residential development on a site in excess of 0.5ha. It is referred to Committee on this basis.
- 1.2 The proposals are considered to have no significant detrimental impact on residential or visual amenity, highway safety, nor the character of the area, in accordance with relevant policies contained within the Unitary Development Plan and National Planning Policy Framework.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site comprises an approximately 1ha parcel of land located on the western side of Headlands Road. It is situated approximately equidistant from Huddersfield Road (A62) to the north and Halifax Road to the south at a distance of approximately 220m.
- 2.2 There is an existing access to the site off Headlands Road. The site boundary is set back from the road and the site is fronted by a combination of trees, shrubs and security fencing.
- 2.3 There are a number of different uses along Headlands Road and within close proximity of the site. The adjacent site to the north is Headlands Junior, Infant

and Nursery School. There are a number of points of access to the school from Headlands Road. To the south adjoining the site is a plastic manufacturing business and there are a number of different manufacturing businesses on the opposite side of Headlands Road. Residential properties are located on the opposite side of the most southern part of the site. There are further residential properties beyond the school at a distance of approximately 55m to the north.

3.0 PROPOSAL:

3.1 The proposal involves works within the confines of an existing Council depot. The proposed development comprises the following elements:

- The erection of a building to store plant, street lighting equipment and other equipment required to carry out a variety of highway maintenance functions. The proposed building measures approximately 30m x 20.5m x 5m (height to eaves). The proposed building would be constructed from concrete blocks and clad in coated profile steel sheets. The building would be positioned slightly set back from Headlands Road immediately adjacent to the site entrance.
- In the south eastern portion corner of the site where salt and grit are currently stored it is proposed to erect a salt barn. The proposed salt barn measures 25m x 25m x 11m (height to eaves). Proposed materials are facing concrete blockwork and reconstituted stone lower section with profile insulated sheeting above and roof.
- Along the eastern boundary it is proposed to erect a storage building for the storage/repair of two gully wagons. The building would measure approximately 11m x 6.3m x 5m (height to eaves). Proposed materials are facing concrete blockwork and reconstituted stone lower section with profile insulated sheeting above and roof.
- A number of storage bays for recycled materials would be located close to the western boundary at a height of 2.5m. A retaining wall formed from gabion baskets would be located on the western boundary up to a height of 3m.

4.0 BACKGROUND AND HISTORY:

4.1 The proposal development is required as it forms part of a strategic decision by Kirklees Council to relocate the existing Council depot at Maymen Lane, Batley, to the application site. The proposed works are required in part to facilitate the move and in order to ensure the efficient and safe operation of the depot.

4.2 The consequence of relocating the Maymen Lane depot means that up to 50 additional worker and 20 office staff would be based at the Headlands Road depot. In order to accommodate the amalgamation of two depots into a single depot, the applicant has already carried out some works to the Headlands Road depot site; this includes the erection of a two storey office building close to the site entrance. The two storey office building was permitted under planning permission 2015/92491. A number of minor works to facilitate the move have been permitted under the General Permitted Development Order 2015 (meaning planning permission was not required). Specifically, the works that the applicant is set to undertake which do not require planning permission involve:

- Steel storage containers - 2.5m (W) x 6.0m (L) x 3.0m (H) – relocated from Mayman Lane Depot
- Self-contained re-fuelling station - 5.0m (W) x 4.0m (L) x 3.0m (H) – relocated from Mayman Lane Depot
- Vehicle wash down facility – 6.0m (W) x 10.0m (L) x 3.0m (H)
- Tarmac store, steel/concrete container - 5.0m (W) x 5.0m (L) x 3.0m (H)-relocated from Mayman Lane depot
- Hotbox self-contained steel container unit – 4.0m (W) x 8.0m (L) x 3.0m (H) – relocated from Mayman Lane depot
- Gritters/spinners steel storage containers – 2.5m (W) x 6.0m (L) x 3.0m (H)
- Repairs/maintenance works to existing ground works, below ground drainage and depot surfacing

4.3 The recent planning history of the site is detailed below:

2016/CL/93292/E - Certificate of lawfulness for proposed – Approved.

2015/92491 – Erection of two storey modular building – granted 17th September 2015.

2005/94219 – Erection of Highway Depot Buildings – Withdrawn 7 February 2006

2005/94219 – Erection of Highway Depot Buildings – Withdrawn 7 February 2006

2003/93898 – Certificate of Lawfulness for an Existing use of Highways Depot and Waste Transfer Station – Granted 9 August 2004

1998/90013 – Erection of Highway Depot Building – approved 6 March 1998

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).

- 5.2 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 with the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework, these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved 2007) remains the statutory Development Plan for Kirklees.
- 5.3 The application site is unallocated in the Unitary Development Plan.
- 5.4 The northern part of the site is allocated as a Waste Safeguarding area with the remainder of the site being allocated as a Priority Employment Area in the emerging Local Plan.

UDP Policies:

B2 – Sites allocated for business & industry
B3 – Buffer zones within areas allocated for Business & Industry
B5 – Extension of Business Premises
BE1 – Design principles
BE2 – Quality of design
BE11 – Materials
EP4 – Noise sensitive development
NE9 – Retention of mature trees
T10 – Highway safety
T19 – Parking provision
BE23 – Crime prevention
G6 – Land contamination
T10 – Highway safety
WD1 – Waste Storage

- 5.5. Many policies within the National Planning Policy Framework are relevant to this proposal and, where relevant, are referred to in the main report text.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been advertised in the press, by site notice and by neighbour letter. One objection has been received from Headlands Church of England School and a further objection has been received from Councillor Holmes, the contents of which are supported by Councillor David Hall. These objections can be summarised as follows:

- The first issue is the cumulative impact of a number of recent planning applications on Headlands Road, further expansion of industrial/commercial properties and an approval for a residential development all add to the challenging environment on Headlands Road and rising levels of traffic already evidenced.
- The plans talk about closing the existing depot on Mayman Lane in Batley, permanently moving all facilities and activities from that site to the one on Headlands Road. My main concern is in relation to the safety of pupils as they arrive and depart from school, and for the impact of additional dust and noise on their health. Parents, staff and community members have for a number of years expressed concerns over road safety outside and around our school. We are very concerned that additional traffic, including LGV, HGV and other plant can only further increase the possibility of a serious accident occurring.
- I have read the transport assessment carried out in relation to the planning application. I believe its purpose is to ascertain the impact of any additional traffic associated with the development on the local highway network. There is a glaring problem with this analysis, which was highlighted with the previous submission (Ref - [2015/92491](#)) in relation to the timing of the traffic surveys which were carried out during 'traditional high traffic / rush hour. However, this did not assess traffic at the start/end of the school day (which is the peak traffic period for this road. In addition, the date of the assessment was when the school 'transition day' took place; this means effectively that two classes of Year Six children were not at school (as they were at their secondary schools) and the Nursery / Reception children likewise were not in school; effectively meaning the school was at least 25% below normal capacity and this would be reflected in the traffic. I request that the traffic survey is carried out again before the application goes to committee with a recommendation as the data is out of date and not reflective of a 'typical day'. The end of the school day is much more traffic heavy than the mornings and Headlands Road is regularly brought to a standstill by parked cars and those attempting to turn into the traffic at either end of the road.
- The photographs produced in the pack indicate a quiet road, which is not the case during school start/end times and is not the experience of many local people who use this road, particularly when turning right into Huddersfield Road.
- At the start/end of the school day parents and carers parking often fill the road from one end to the other with parked cars; this is not the impression one would form from the photographs provided in the pack.
- The planning application should also consider other recent applications and approvals which will have a negative impact on traffic flow, the housing development and additional planning for the large industrial site on the same side as this depot – all expanded, all bringing additional traffic flow to the area.

Officer Response – Dealing with all the points above: - The proposed development involves works within an existing Council depot. The use of the site as a Council depot has been established for a considerable length of time and there are no planning restrictions governing the number of vehicles or the hours of operation. The current application involves building works within the existing site.

As detailed in the 'Highways' section of this report, there are two planning conditions attached to planning permission 2015/92491 (new office building) which require the submission of schemes to deal with parking near the site entrance and the movement of vehicles.

- The plans indicate the creation of a fuelling station, which from the plans appears to be in quite close proximity to Headlands School. This is of course a cause for concern as there is highly flammable material close to our grounds and school.

Officer Response – The fuelling station is not proposed as part of this planning application. In any event the fuelling station is permitted development and this was confirmed by virtue of a Certificate of Lawfulness which was issued in 2016 (ref – 2016/93292).

Notwithstanding the above, the applicant has confirmed that the fuel store would accommodate up to 25,000 litres of fuel. This would not require separate Hazardous Substances Consent due to the volumes involved.

- The plans include a detailed noise analysis, however, we would ask that more detailed noise analysis is carried out from our school site to monitor the difference between outdoor and noise dampening by the walls/windows, etc. This side of our school gets significant hours of sunshine and as such windows are often open as the rooms heat up significantly even in spring time, and, in particular the warm months of the year. The noise assessment needs to take account of the impact of noise on the children at school. The site is next to our outdoor space and significant increases in noise could hamper the learning of children on site. Children using our outdoor space for running, football and other physical activities would be particularly prone to the increases in fumes and dust arising from the expansion of the site.

Officer Response – This is addressed in the main body of the officer report and in particular, within the Residential Amenity section.

Councillor Holmes raises the following concerns which are supported by Councillor David Hall:

- I have been at the school in the afternoon when the children are leaving and parking and traffic volume are already incredibly worrying.
- I request that a repeat traffic assessment should be carried out both in the morning at school drop off time and also in afternoon during pick up times.

- I would appreciate advice and comment regarding an additional noise analysis as requested by the school.
- In addition, as the depot will be a Kirklees facility, I request that all traffic is to enter and exit the depot via Huddersfield Road and not Headlands Road.
- In Birkenshaw there is a TNT Depot and the lorries are only permitted to enter and exit the site via the A650 side. This is a very similar situation as Birkenshaw Primary School is at the other side. I do not want further traffic, especially lorries, going past the school. I believe this approach would do a great deal to reduce traffic volumes should this relocation take place.

Officer Response - These concerns are dealt with in this section above, or in the main body of this report.

7.0 CONSULTATION RESPONSES:

7.1 K.C Strategic Drainage – No comments received.

K.C Highways – No objection subject to conditions.

K.C Environmental Health – No objection subject to the imposition of appropriate conditions.

K.C Ecology and Biodiversity Officer – No comments received.

K.C Public Rights of Way – No objection.

Yorkshire Water Services – No objection subject to a condition.

8.0 MAIN ISSUES

Principle
Residential Amenity
Visual Impact
Highways
Other Issues

ASSESSMENT

Principle of development

8.1 The site lies on a parcel of land which is unallocated on the Kirklees Unitary Development Plan (UDP). The site has been used as a Council depot for a considerable length of time. As there are no planning restrictions concerning the use of the land as a depot, and the proposed development would not materially alter the use of the land, the principle use of the land has been established.

- 8.2 Policy D2 of the UDP 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. Subject to these not being prejudiced, the development of the site would be acceptable in principle in relation to policy D2 of the UDP.
- 8.3 The proposal relates to an existing Council Depot site currently used for the storage of materials and aggregate and is used as a hub for grit collection during the winter months. The acceptability of the additional elements to support this use is subject to an assessment of the impact of the development on residential amenity, visual amenity and highway safety. These matters are considered below.

Residential Amenity

- 8.4 The existing Headlands Depot site is located adjacent to Headlands Church of England school. There are properties on the opposite side of Headlands Road to the south of the application site.
- 8.5 The proposed storage building, salt store, garage and other elements would be located within the confines of the existing depot site. The site is set back from Headlands Road and therefore, the properties on the opposite side of Headlands Road (no's 5 – 11) would be at a distance in excess of 35m from the closest proposed building (the salt barn) which would be sufficient distance so as to ensure no significant amenity impacts.
- 8.6 The larger storage building is proposed sufficient distance from residential properties and in excess of 60m to the south of the school grounds. The amenity of the nearest properties and the school would not be affected to any significant degree by the proposals.
- 8.7 Concerns have been raised by objectors concerning the noise arising from the intensification of the proposed use and concerns about the submitted noise report. There are no existing planning controls in respect of the use of the site as a Council depot facility and the associated noise such a use may generate. In addition, there are elements proposed as part of this planning application which are likely to result in a slight reduction in potential noise. For example, according to the submitted noise report the proposed salt storage area/barn would provide a small amount of acoustic insulation simply because the loading and unloading of salt which currently takes place out in the open would take place within a building.
- 8.8 However, the submitted noise report accompanying the planning application has considered the totality of the noise emissions from the site and concluded that this could exceed the background noise level at the nearest residential receptor (no5 Headlands Road). One of the main contributors is predicted to be an alarm associated with a tarmac hotbox (although it has previously been confirmed that the hotbox does not require planning permission (ref –

2016/93292)). The noise report submitted with the application recommends that the alarm is changed to a white-noise alarm or a visual alarm to reduce potential noise.

- 8.9 In respect of the impact on the adjacent school, the submitted report considers that the cumulative impact of loading/unloading salt/aggregate, washing, fuelling and the operation of the tarmac hotbox and the movement of staff cars (in other words, all the activities potentially taking place on the site) would result in a predicted noise level of 50dB at the most exposed façade of the school building. This is considered acceptable and, in any event, such noise impacts are only likely during periods of very heavy traffic. Typical potential noise levels would be lower. In any event, as detailed above, these activities do not require planning permission.
- 8.10 The Council's Environmental Health section have assessed the proposal in respect of potential noise and disturbance and raise no objection, subject to a condition requiring the mitigation included in the submitted noise report to be implemented (including the removal of the proposed alarm from the hotbox).
- 8.11 The proposed development is considered to comply with policies EP4 and B5 of the Kirklees UDP in respect of potential noise impact.

Visual Impact

- 8.12 Policies BE1, BE2 of the UDP are considerations in relation to design, layout and materials. The layout of buildings should respect any traditional character the area may have. New development should also respect the scale, height and design of adjoining buildings and be in keeping with the predominant character of the area. Chapter 7 of the NPPF emphasises the importance of good design in contributing to the built environment.
- 8.13 The site is located within a mixed use area with adjoining land uses comprising a primary school to the north, and other commercial/industrial premises to the east, south and west. Residential properties can be found further to the north and south.
- 8.14 There is tree and vegetation screening along a large part of the site boundary, there are clear views across the site particularly from close to the site entrance where it meets Headlands Road.
- 8.15 The proposed larger salt barn and storage buildings would be erected from facing concrete blockwork / recon stone lower section with profile insulated sheeting above and roof. It is acknowledged that the proposed large storage building has a functional appearance and due to its height and location would be particularly visible from parts of Headlands Road. However, there is no distinct character along this stretch of Headlands Road and the building would be seen against the backdrop of the existing Council depot site. There are a number of industrial buildings to the south of the site on Headlands Road.

- 8.16 The proposed salt barn would be set away from Headlands Road at a distance of approximately 20m. Whilst the building would be particularly visible owing to its height, the vegetation and screening along the boundary would reduce the impact of the building from Headlands Road. It is also noted that the building is proposed in an area where salt and grit are currently stored in the open – thus the building is intended to protect salt/grit from the elements.
- 8.17 Cumulatively the proposed salt barn and storage building, and to some extent the proposed garage, would all be intermittently visible from various parts of Headlands Road but in context the visual impact is considered to be acceptable as it would be largely viewed against the backdrop of the existing depot. There would be no significant detrimental impact on the character and appearance of the area.
- 8.18 The other proposed additions, including the recycling bays and partitions in order to store the snow plough, which would be constructed from reinforced shuttered concrete, would not be significantly visible as they would be positioned within the site and not be visible from the street.
- 8.19 The proposed gabion baskets would be located at various points along the rear perimeter of the site. They would mainly be visible from within the site and would not be detrimental to the character and appearance of the street scene.
- 8.20 Overall it is considered that the proposed buildings and other works would have no significant detrimental impact on the visual amenity of the locality and would accord with the requirements of policies D2 and BE1 of the UDP, and the aims set out in chapter 7 of the NPPF.

Highways

- 8.21 The proposed development involves the erection of a number of buildings and facilities which the applicant confirms are to be provided in order to assist with the amalgamation of existing operations currently located at Mayman Lane and the current application site. In 2003 a lawful development certificate was issued for *“An existing use of highways depot and waste transfer station”*.
- 8.22 Given the above, whilst it is the case that the existing operations on the land may intensify as a result of the amalgamation of Council depots into the single proposed site; the intensification of the use as a highways depot and waste transfer station would not constitute a material change of use. Consequently, there are no existing controls over the number of vehicular movements and operating hours.
- 8.23 Notwithstanding the above, the increase in staff and associated private vehicular movements proposed a result of the erection of a new office building on the site has already been assessed as part of planning application no 2015/92491. The planning permission granted the erection of a two-storey modular office building and the provision of an addition 46 car parking spaces and the previous scheme was assessed having regard to the subsequent

impact of an increase in private vehicular movements and HGV's on the highway network. Planning permission 2015/92491 includes the following conditions:

“A scheme detailing measures to manage parking at the site access junction with Headlands Road and all associated works, together with appropriate Safety Audits shall be submitted to and approved in writing by the Local Planning Authority before the building is brought into use. No part of the development shall be brought into use until the approved scheme has been implemented”

“A scheme detailing measures to manage traffic associated with the approved development at the site access with Headlands Road, and along Headlands Road throughout the times of operation, shall be submitted to and approved in writing by the Local Planning Authority before the development is brought into use. The development shall not be brought into use until the approved scheme has been implemented”

- 8.24 Whilst the conditions above have not yet been discharged, they require works to be carried out by the applicant in order to improve the site access with the junction of Headlands Road.
- 8.25 On the basis of the above, the proposed buildings and works would not lead to an increase in vehicular movements and an increase in vehicles associated with the new office building has already been assessed as part of planning permission 2015/92491. In principle, there is no major change to the highways operations above those already permitted or lawfully taking place on the site and it is therefore, not considered that this proposal would result in an increase in traffic and parking demand. Highways raise no objections to the proposal.

Other Issues

- 8.26 The application has been amended whilst being processed. It was identified that the proposed recycling bays block a public footpath (Spen 113) which runs along the south western boundary of the site. It was also identified that the footpath had been blocked by the site boundary fence for a considerable length of time and consequently, the definitive lawful line of the footpath routes through a small portion of the depot site boundary. The applicant has subsequently amended the proposal so that the boundary fence is set further into the site so as not to block the public footpath. The Definitive Map Officer raises no objections.
- 8.27 The potential effect of ground contamination has been assessed. No objections are raised by the Council's Environmental Health section, subject to conditions.

9. Conclusion

- 9.1 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.
- 9.2 The application proposes a number of different elements, including new buildings, within the confines of an existing Council depot site. The main issues concern the impact on the character and appearance of the area and residential amenity. Both these issues have been adequately addressed.
- 9.3 Whilst concerns have been raised regarding highways impacts; there are no restrictions concerning the intensity of use of the existing depot and, in any event, highways matters were considered in detail as part of a previous planning permission for a new office building on this site. Consequently, the proposed development in itself would not have any discernible impact on highway safety.
- 9.4 All other matters have been adequately addressed. The proposed development is considered to accord with relevant policies in the UDP and therefore, constitutes sustainable development.

Recommendation:

Approve subject to the following conditions:

1. 3 years
2. Approved plans
3. Materials
4. Noise attenuation/mitigation
5. Contamination
6. Turning areas to be provided prior to occupation, in accordance with submitted plans.

Informative

Spensorough public footpath 113 is currently obstructed outside the amended red line boundary. Works on the site to "amended boundary fence" shown in submissions should be undertaken to re-open the public footpath 113 at that location. Footpath 113 is further obstructed on land adjacent to the application site. No obstruction or interference of path 113 is authorised without formal written consent outside the planning process.