
Report of the Head of Development Management

STRATEGIC PLANNING COMMITTEE

Date: 15-Jun-2017

Subject: Planning Application 2017/90340 Erection of builders merchants building, formation of access, car parking and associated external storage Neiley Wastewater Treatment Works, New Mill Road, Brockholes, Holmfirth, HD9

APPLICANT

Tony Sharkey, JTD
Buildng Supplies Ltd

DATE VALID

31-Jan-2017

TARGET DATE

02-May-2017

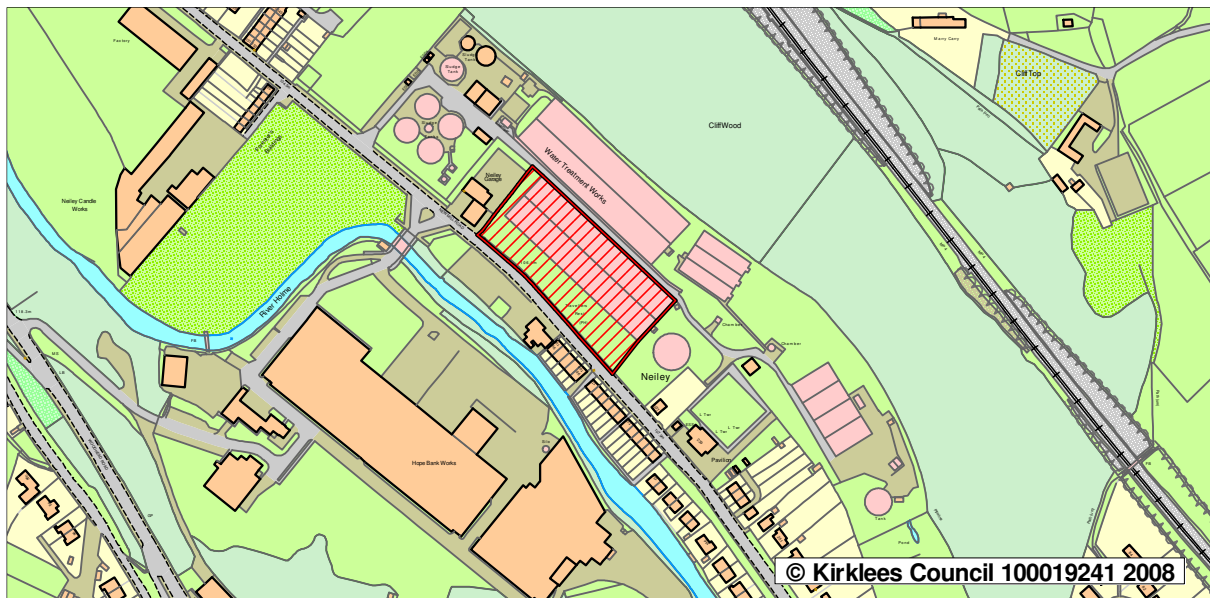
EXTENSION EXPIRY DATE

21-Jun-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: Holme Valley North

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 applicants JTD Building Supplies are currently based in Meltham Mills Industrial Estate. The premises at present do not provide enough external area for storage of its supplies. Therefore the site at Brockholes is large enough to accommodate this further expansion of its core Trade Business.
- 1.2 The application site is part of a former Sewage Treatment Plant owned by Yorkshire Water. The site has not been used for over 5 years due to site reorganisation and general updating of the larger Yorkshire Water's treatment works which left the existing filter beds surplus to requirements. The disposal of the site demonstrates that the waste water treatment can be adequately carried out and does not present hinder or unreasonably restrict further operations being carried out on the larger water treatment site.

2.0 SITE AND SURROUNDINGS:

- 2.1 The development site extends to approximately 0.77 hectares, is rectangular in shape and is located to the north east of New Mill Road, Brockholes. The site previously formed part of the Neiley water treatment works that wraps around the application site and the existing garage to the North. Land to the east and south of the site contains operational works associated with the water works. An internal access road abuts the eastern boundary of the application site. On the opposite side of New Mill Road (western side) the Travellers Rest public house and row of terraced residential houses face on to the main road.
- 2.2 The site boundary with New Mill Road contains a 1.2m high stone wall on the back edge of a narrow footpath and a 2m high (green) palisade steel fence

sits behind the wall. Set 12 metres in to the site from the frontage is a domineering coniferous hedge that stands at approximately 10m in height. A small number of self set trees stand between the conifers and the road. An extensive redundant filter bed set within concrete plinth remains on the site and will require demolition.

3.0 PROPOSAL:

- 3.1 The applicant is JTD Building Supplies Ltd who are local building merchants seeking to relocate the business from Meltham Mills Industrial Estate. The development proposed consists of seeking full planning permission to erect a building merchants facility with vehicular access and parking areas, external storage areas on a rectangular site to the north east of New Mill Road, Brockholes.
- 3.2 The two main elements of the scheme proposed are firstly, the erection of a new steel framed building within the north western corner of the site and secondly external storage area to south east of the site. The large rectangular building proposed is 42m x 25m standing at a height of 6m to eaves and 8.3m to ridge. The construction materials consist of coursed natural stone at ground floor level and profile metal cladding to the upper walls with a shallow pitched roof. The site and building will be used as a building merchants (use class- Sui-Generis) which will involve the storage and sale of building/construction related tools and materials from the unit on the site.
- 3.3 Car Parking for customers and staff is provided in a parking area to the front of the site. The plans show that there is enough space within the car park to accommodate a minimum of 20 spaces. A new vehicular entrance will be formed on to New Mill Road opposite the car park of the Travellers In public House and will achieve a 2mx4m visibility splays. The site is currently surrounded by conifers and these will be removed to accommodate the proposed car park and external storage areas.
- 3.4 The nature of builders merchants businesses involve a regular customer base of builders and tradesman within the construction industry. Trade business is carried out with account customers over the phone for site delivery or in smaller items to be picked up from the trade counter. This part of the business covers around 90% of its customers with trade accounts. With regard to retail customers this allows for anyone to visit the retail section and order materials for delivery and as with trade customers to pick up smaller items.

4.0 RELEVANT PLANNING HISTORY

- 4.1 None

5.0 HISTORY OF NEGOTIATIONS

- 5.1 Discussions were held with the applicants to attempt to secure the widening of the existing footpath that borders the western boundary of the site. The applicants considered that the cost of widening the footpath and the

repositioning of the wall and fence further into the site would render the scheme unviable. Predicted costs of the works were submitted and discussed with Highways DM. Highways considered that the widening of the footpath would be beneficial to the area and community planning officers considered that as the applicants were unwilling to meet the costs involved a footpath resurfacing scheme would be required instead from the applicants as this would also be beneficial to the area and would be achievable without being a financial restriction to the development.

- 5.2 During the course of the application, officers requested that plans be submitted of the proposed landscaping of the site particularly in regard to the site frontage, given that the existing conifers were to be removed. The plan received was not sufficient to address the issues raised by the council's Trees officer so this issue is recommended to be addressed by conditions.

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 submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined 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 Policies 2007) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 The site lies in an area that is unallocated within the Kirklees Unitary Development Plan (UDP). In such areas policy D2 is applicable. Which permits development providing that the proposal does 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. Character of the surroundings
 - VIII. Wildlife interests
 - IX. Efficient operation of existing and planned infrastructure

- 6.3 Other relevant policies are as follows:
- BE1 – Design Principles
 - BE2 – Quality of Design
 - BE23 – Crime Prevention
 - EP6 – Development and Noise
 - NE9 – Retention of Trees
 - T10 – Highway Safety
 - T19 – Parking Standards
 - G6-Contaminated Land

Emerging Kirklees Local Plan (Publication submission)

- 6.4 The site is allocated within an area allocated as Policy PLP 45 (Safeguarding waste management facilities) which states: Existing waste management facilities and land surrounding these facilities as identified on the Policies Map will be protected unless it can be demonstrated that there is no longer a need for the facility or where capacity can be met elsewhere in the district. Proposals for development in the vicinity of an existing or planned waste management facility will be required to demonstrate that the proposed development does not prevent, hinder or unreasonably restrict the operation of the waste development.

National Planning Guidance:

- 6.5 National Planning Policy Framework:
- Chapter 1: Building a strong, competitive economy
 - Chapter 2: Requiring good design
 - Chapter 3: Promoting healthy communities
 - Chapter 10: Meeting the challenge of climate change, flooding and coastal change
 - Chapter 11: Conserving and enhancing the natural environment

- 6.6 Other Guidance:
Planning Practice guidance Suite March 2014

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 One representation was received from members of the public which is below.
How many builders merchants do you need in this part of town?

Verbal comments were received from Cllr Greaves regarding the request to widen the footpath adjacent to the site on New Mill Road.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC-Highways -No objections subject to conditions

Yorkshire Water-No objections subject to conditions

Holme Valley Parish Council-Support the application

8.2 **Non-statutory:**

KC Pollution & Noise Control -No objections subject to conditions on air quality, contaminated land, hours of use, hours of delivery and hours of construction

KC Flood Management & Drainage- No objection subject to conditions

PALO- No objection subject to condition

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 lies in an area that is unallocated within the Kirklees Unitary Development Plan. In such areas policy D2 is applicable which permits development providing that set criteria (as defined in paragraph 6.2) are met and essentially this involves not prejudicing the development plan or adversely affecting the area. Subject to the impacts upon the environment being acceptable the development of the site would be acceptable.

10.2 One of the core principles of the NPPF

proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that 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. It is accepted that the relocation of a business from elsewhere in the district is retaining and enhancing employment opportunities and assisting in the performance of the local economy and is therefore acceptable in principle.

10.3 The site is brownfield, previously developed land and is relatively sustainable in terms of its location, being easily accessed from adjacent settlements such as Brockholes and Honley via New Mill Road and is well served by public transport. The development would provide employment within an area where

there are a mix of other commercial uses with residential properties within the vicinity.

- 10.4 From a local policy perspective, paragraph 6.2 of this report sets out the criteria within policy D2 of the UDP to assess the proposal against. The impact of the proposal and the positive consultation responses enable this consideration to conclude that the proposal does not conflict with policy D2.
- 10.5 With regards to Local Plan PLP 45 (Safeguarding waste management facilities), members are guided to paragraph 1.2 of this report which gives the background to the site and how the operational requirements of Yorkshire Water render this site as disposable. This justification is considered to be acceptable and complies with the requirements of policy PLP 45. The Local Plan is emerging, but little weight can be attached to its policies until such time as the Local Plan submission has reached the *Duty to co-operate* stage.

Urban Design issues

- 10.6 The building proposed is substantial in footprint and scale and will be new structure within the Mill Lane corridor. The proposal will significantly change the street scene not only because of the existence of the building but also by virtue of the removal of the coniferous trees close to the site frontage. The proposed building is set back into the site and will sit at an angle from the existing terraced houses on the opposite side of the road. In planning terms, views over a site are never owned without ownership of land, the outlook from the nearest residential properties will be changed but this does not justify withholding consent. The visual impacts of the development are likely to be restricted to local and will be insignificant within the wider landscape.
- 10.7 The design of the building is functional. The site does not sit within a conservation area or area of special historic interest. The design does not have to fit in with any particular style of architecture. The profile metal cladding (roof and first floor) and natural stone (ground floor) are typical construction materials for buildings of an industrial warehousing nature within the area and will not appear as incongruous within the locality.

Residential Amenity

- 10.8 Building Merchants are not considered likely to give rise to a significant amount of noise and disturbance, the main activities are the coming and goings of customers and deliveries to the site of building materials. The hours of operation proposed are 07:30-17:00 mon to fri, 08:00-12:00 noon sat with no opening on Sunday or Bank Holidays. Kirklees Pollution and Noise control officer raised no objections subject to the hours stated providing that deliveries to and from the site occurred during these times. It is considered necessary to attach a condition controlling the use of the site for these hours.
- 10.9 With regards to visual impact, the building is not close enough to the dwellings to adversely impact upon their light or have an overbearing impact. It is felt that these residential properties will benefit in terms of daylight from the

removal of this row of trees. The external storage areas have the potential to be visually prominent within the street scene and it is considered necessary that the height of the goods that are stored within this area is controlled so that they do not appear domineering or unsightly to occupants of residential properties on the opposite side of the road. The use of fork lift trucks means that the height of storage is limited in any case and by attaching a condition restricting the height of goods stored to no more than 3 metres it is felt the visual impact can be minimised.

Landscape issues

- 10.10 The proposal will change the existing street scene by the removal of a very high coniferous hedge and the erection of a large building. A landscaping scheme will be required to soften the impact of the development, not only giving screening to the building but also for the external storage area. Although tree planting on the site frontage will take some time to mature it may be possible to include some semi mature species that help to give some cover initially, early into the life of the development. This will help the development fit into the character of the street scene and minimise the impact of the building when seen from New Mill Road.
- 10.11 Conditions advised by Kirklees council's tree officer require a landscaping scheme to be submitted and approved and the agreed scheme to be implemented accordingly.

Highway issues

- 10.12 Highways DM officers considered that the suggested widening of the footpath from Cllr Greaves would be beneficial to the area and community however, as the applicants were unwilling to meet the costs involved planning officers considered that a footpath resurfacing scheme suggested by the applicants instead would also be beneficial to the area and would be achievable without being a financial restriction to the development.

Kirklees council Highways DM officer raises no objections subject to the following conditions:

- Visibility Splays to be provided
- Areas to be surfaced and drained
- Footway surfacing works
- Detailed design of vehicular access
- Construction access details
- Gates to be set back

Drainage issues

- 10.13 A Flood Risk Assessment was submitted with the application for assessment. Kirklees council drainage officer raised no objections to the proposal subject to the imposition of two conditions requiring submission of a drainage scheme for the development and a scheme restricting the rate of surface water discharge from the site that provides surface water attenuation.

Representations

10.14 Comment:

How many builders merchants do you need in this part of town?

Response:

The planning system does not allow Local Planning Authorities to consider issues of supply and demand or control the type and number of businesses within an area. Land use planning considers applications on a case by case basis starting with the development plan and then all other material considerations.

11.0 CONCLUSION

11.1 The proposed development of building merchants (use class- Sui-Generis) is considered to be acceptable in principle. The development would provide employment in a sustainable location where there are other similar uses along the New Mill Road corridor. The potential for any adverse impacts have been mitigated by the requirements controlled by conditions for landscaping, hours of operation and highways.

11.2 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

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

1. 3 Year Time limit for commencement
2. Development in accordance with the plans
3. Surface Water from parking/hardstanding areas
4. Foul and surface water drainage details
5. Rate of Surface Water Discharge
6. Vehicle Charging points
7. Land Contamination Phase 1
8. Remediation Strategy for contaminated Land required
9. Implementation of remediation strategy
10. Validation Report
11. Hours of opening
12. Delivery hours
13. Hours of construction
14. Security Measures
15. Details of cladding
16. Landscaping scheme

17. Highways-visibility Splay
18. Footway surfacing
19. Access for construction traffic
20. Gates set back from highway
21. 3 metre height restriction of goods stored within external storage areas

Background Papers:

Application and history files.

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