
Report of the Head of Development Management

STRATEGIC PLANNING COMMITTEE

Date: 15-Jun-2017

**Subject: Planning Application 2016/90261 Erection of warehousing unit
Brookfield Mill, Penistone Road, Kirkburton, Huddersfield, HD8 0PQ**

APPLICANT

Charles Smith, Penmore
UK Ltd

DATE VALID

20-Sep-2016

TARGET DATE

20-Dec-2016

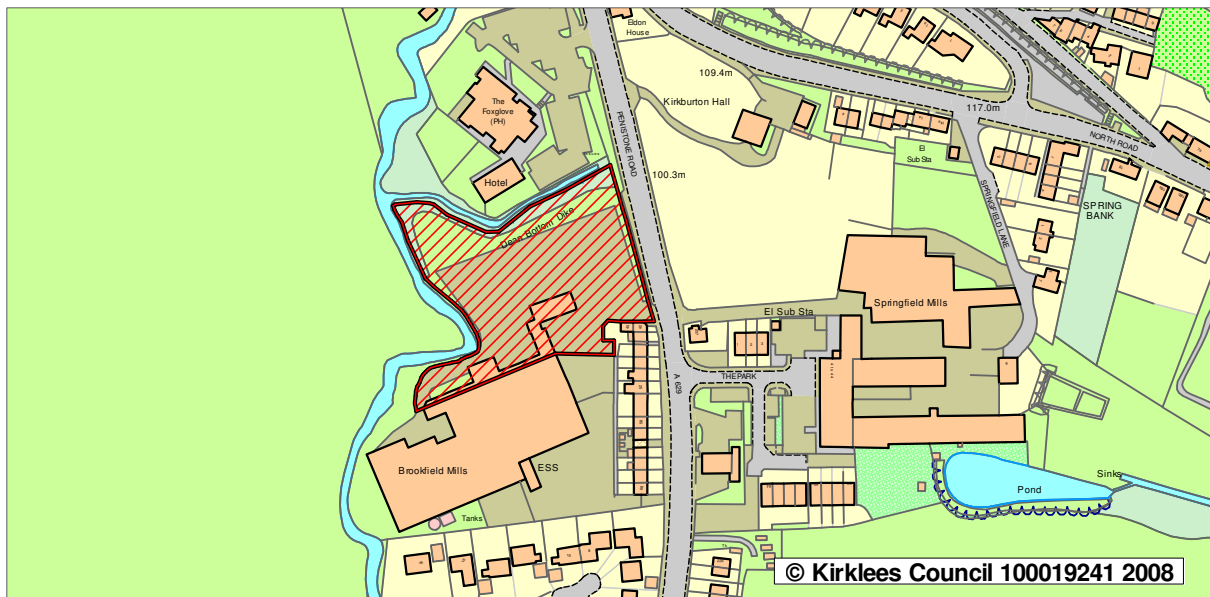
EXTENSION EXPIRY DATE

05-May-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: Kirkburton

Yes

Members notified of application

RECOMMENDATION:

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

1.0 INTRODUCTION:

1.1 The application seeks permission for the erection of a warehousing unit for Shepley Spring Ltd; a water bottler who operate from Brookfield Mill at Shepley. The proposal would provide additional storage space to support the expansion of this established local business and help to secure its long term future.

2.0 SITE AND SURROUNDINGS:

2.1 The site comprises Brookfield Mill at Shepley. Shepley Spring Ltd (a contract water bottler) has been operating from the site in excess of 10 years. Within the site is a large industrial building and a smaller stone constructed building. To the north is a yard area which accommodates HGV parking and the storage of wooden pallets.

2.2 The site is bounded to the north by a public house and hotel, by a row of terraced residential properties to the east off Penistone Road, by the rear gardens of neighbouring properties off Brookfield to the south, and to the west by Thunder Bridge Dyke beyond which is undeveloped green belt land. The application site is unallocated on the Unitary Development Plan Proposals Map.

3.0 PROPOSAL:

3.1 The application seeks permission for the erection of a warehousing unit within a yard area to the north of the existing buildings. The purpose of the application is to meet an identified requirement for increased storage and warehousing space for the company in order that they can continue to operate successfully from the site.

- 3.2 To accommodate the warehouse it is proposed to demolish the existing stone building and a small cladded link building.
- 3.3 The proposed warehouse building would have a footprint of 65m x 22.5 metres with an internal floor space of 1571m². The warehouse would be constructed of full height metal cladding with a total height of 7.8 metres.
- 3.4 The scheme also proposes improvements to the existing site access off the A629 Penistone Road. The proposal will provide 2m wide footways into the site. Parking and turning facilities will also be provided to the front of the proposed warehouse building.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 94/90821 – Erection of single storey dyehouse extension to dyeworks, diversion of stream and use of land to extend vehicular circulation area – Conditional Full Permission

2016/90264 – Erection of extension to rear – Withdrawn

2017/90792 – Removal of condition 13 (hours of working) on previous permission 94/90821 for erection of single storey dye house extension to dyeworks, diversion of stream and use of land to extend vehicular circulation area –Approved

5.1.1 HISTORY OF NEGOTIATIONS:

- 5.1 Officers have negotiated with the applicant to secure improvements to the site access.

6.0 PLANNING POLICY:

- 6.1 The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007). The Council is currently in the process of reviewing its development plan through the production of a Local Plan. 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 BE1 – Design principles
- BE2 – Quality of Design
- B5 – Extension to Business Premises
- T10 – Highway Services
- G6 – Land Contamination
- EP4 – Noise sensitive development

National Planning Guidance:

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

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application was advertised by neighbour letter, site notice and press notice expiring 31st October 2016.
- 7.2 As a result of this publicity one representation has been received. The main concerns raised are as follows:
 - The proposal is too close to the conservation area. It would better serve the company if it were attached to the existing facility thereby allowing uninterrupted movement within the premises.
 - Application 94/90821 limited operating hours in parts of the site which should be applied. Occupiers of the adjacent hotel would be concerned about reversing lorries and forklifts throughout the night, even within a building. Appropriate sound proofing is required.
 - Given the proximity to a conservation area, any structure should be clad full height in coursed natural stone. It is incorrect that stone has only been used up to 2m.
 - The existing access from Penistone Road is inadequate, both in terms of width and sight lines, inward and outward. Moving the extension adjacent to the existing structure would permit construction of a suitable entrance further north along a straighter section of Penistone Road (A629). This would also be away from the apex of the slow bend and beyond existing properties.
 - There are errors in the application:
 - Section 9* – Existing walls are clad to 5.4m height in coursed stone along the south elevation
 - Section 14* – Parts of the site are considered by KMC to potentially be contaminated. Refer appropriate KMC department.
 - Section 18* – The current class uses are B2 and B8
 - Section 20* – Limited operating hours apply to production areas. Refer 94/90821
 - Section 21* – The site area is incorrect possibly by a decimal point.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C Highway Services – No objection

K.C Flood Management – No objections subject to conditions

The Environment Agency – No objection

Yorkshire Water – No response

8.2 Non-statutory:

K.C Environmental Services – No objections

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

- 10.1 The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004). The site is located on land which is without notation on the Unitary Development Plan (UDP) Proposals Map and policy D2 of the UDP is relevant. This states that planning permission will be granted provided that a specific set of considerations are not prejudiced. These considerations include highway safety, residential amenity, visual amenity, the character of the surroundings and the avoidance of overdevelopment. The principle of development is acceptable provided that these considerations are not unduly prejudiced.
- 10.2 The site has an established industrial use as a former dyeworks. The site is owned by Penmoor UK Ltd and leased to Shepley Spring Ltd. Shepley Spring Ltd are a water bottling company established in 1996, and who first occupied the application site in 2006. The site is used as a bottling plant with storage facilities.

- 10.3 Policy B5 of the UDP stipulates that proposals for extensions to business premises will be permitted provided the amenity of occupiers of neighbouring properties, visual amenity and highway safety are safeguarded.
- 10.4 At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development where local planning authorities should positively seek opportunities to meet the development needs of their area. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. The proposal will allow this business to successfully expand and ensure its retention within Kirklees, and the principle of development is acceptable on this existing industrial site in accordance with the intentions of the NPPF.

Urban Design / Heritage Matters

- 10.5 The eastern boundary of the application site borders the A629. The mid-point of the A629 forms the western boundary of the adjacent Kirkburton Conservation Area. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that “in the exercise of (of planning functions), with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area’.
- 10.6 The proposals involve the demolition of an existing stone building which can be seen from the access road upon entering the site. This is necessary to facilitate the siting of the proposed warehouse and safe access. The proposed warehouse would be constructed of metal cladding, however this is an existing industrial site and the proposed design is functional for its intended purpose. The existing industrial building is partly constructed of cladding, and it is considered the proposed facing materials would be satisfactory in keeping with existing buildings within the site. Furthermore, the substantial tree screen along the eastern boundary would satisfactorily screen the warehouse and preserve the visual amenity of the area, in accordance with policies BE1 and BE2 of the UDP, as well as chapter 7 of the NPPF.
- 10.7 With respect to the impact on the setting of the Kirkburton Conservation Area, it is considered the erection of the warehouse building within the confines of this industrial site, and screened from the A629 by a substantial tree screen would not have a detrimental impact on the setting of the Kirkburton Conservation Area. The proposal would accord with chapter 12 of the NPPF.

Residential Amenity

- 10.8 UDP Policy D2 requires the effect on residential amenity to be considered. The site is bordered by a row of terraced residential properties to the east off Penistone Road, and properties off Brookfield to the south. To the north of the site is the Foxglove Public House and Hotel.

- 10.9 The working hours for the operation are currently 24 hours per day and this is not intended to alter as part to the development proposals. Environmental Services have spoken to the applicant about the potential for vehicle movements between the proposed warehouse and the existing building through the night. They have advised that there will be no movement of stock throughout the night. They have also confirmed that the HGV's currently parked in this location will no longer be parked on site. Environmental Services raise no objection to the proposal and it is considered there would be no detrimental impact arising from noise disturbance to these neighbouring properties. The proposal would accord with policy EP4 of the UDP.

Highway issues

- 10.10 Policy T10 of the UDP states that "new development will not normally be permitted if it will create or materially add to highway safety or environmental problems . . ." A supporting transport assessment has been submitted with the proposal.
- 10.11 The A629 Penistone Road is the subject of a 40mph speed limit through this part of Kirkburton and there are no traffic regulation orders on the site frontage restricting on street parking or waiting. Penistone Road at the site entrance is a two way single carriageway road with footways and street lighting to both sides. The site access also has the benefit of a central right turn lane of approximately 55 metres in length. The nearside footway averages approximately 1.6m in width with the opposite footway having a slightly wider average width of approximately 1.7-1.8 metres. The carriageway is in excess of 8.0m wide at the point of access into the application site. The existing site entrance from the Penistone Road is laid out as a simple dropped footway crossing.
- 10.12 There are no proposals to increase the parking provision on the site as a result of the proposed development. This is due to there being no increase in staff numbers as a result of the scheme. The current business generates between 15-20 HGV trips per day mostly be 44 tonne GVW articulated vehicles. The new B8 unit will allow for additional storage on site which will remove 5 HGV trips per day which currently take place between this site and the company's other site off The Knowle in Shepley. As noted, the working hours for the operation are 24 hours per day.
- 10.13 The total existing total existing internal floor spaces is 4596.5 sqm, consisting of 1551.7 sqm B1 light industry use and 3044.8 B8 storage and distribution use. This proposal adds a further 1571 sqm of B8 use class. Whilst the number of HGV movements of the existing business may reduce, the construction of a new B8 commercial unit has the potential to increase the operational capacity of the site and generate a significant level of additional traffic including HGV movements. The recommended parking standards for this use class are 1 space per 150 square metres which equates to a need for 10 parking spaces and 1 space per 500 square metres for service vehicles which equates to a need for an additional 3 service vehicle parking spaces (16.5 articulated Lorries). The proposed unit is sited on the service area to a

large existing industrial unit which will significantly reduce the parking and servicing area for that unit.

- 10.14 Highways initially raised concerns that the existing access is narrow with no pedestrian facilities and poor sight lines onto Penistone Road. In particular, pedestrian access into house numbers 40 and 42 is directly onto the industrial access with no separation. Given the potential increase in operational capacity, the applicant was requested to provide proposed improvement works to the access. Details were requested to demonstrate that the development site will retain sufficient parking, service vehicle parking and internal service vehicle turning for both units.
- 10.15 The applicant has provided revised plan number 1119-01 Rev E showing improvements to the site access. These include the provision of 2m wide footways and details of parking and turning demonstrated by swept paths. The proposals are now considered to be acceptable. Highway Services raise no objections subject to the inclusion of conditions for the approved access and turning facilities to be provided and the laying out of the proposed car parking areas.

Drainage issues

- 10.16 The NPPF sets out the responsibilities for Local Planning Authorities determining planning applications, including flood risk assessments taking climate change into account and the application of the sequential approach. The site is located within flood zone 2 and 3 with Woodsome Beck & Dean Bottom Dyke running along the north and western boundary. No investigation has been carried out on site. The FRA recommends that soakaways are explored first, in line with the hierarchy of drainage, and if proven unsuitable surface water to be discharged to the watercourse. New connections to watercourse must attenuate discharge to the greenfield rate of 5l/s ha.
- 10.17 Flood Management have no objection subject to the inclusion of a condition to secure a scheme demonstrating an adequately designed soakaway, or alternative scheme.
- 10.18 The Environment Agency has no objection to the proposal subject to the development being carried out in accordance with the approved FRA, with finished floor levels to be set no lower than 98.8m above Ordnance Datum (AOD). Flood matters can be address by condition.

Representations

- 10.19 One representation has been received. In so far as the comments made have not been addressed above:
- 10.20 The proposal is too close to the conservation area. It would better serve the company if it were attached to the existing facility thereby allowing uninterrupted movement within the premises.

Response: The boundary of the Kirkburton conservation area comprises the mid-point of the A629 Penistone Road. This is an existing industrial site and it is considered the proposed warehouse building would not have a detrimental impact on the setting of the adjacent conservation area.

- 10.21 Application 94/90821 limited operating hours in parts of the site which should be applied. Occupiers of the adjacent hotel would be concerned about reversing lorries and forklifts throughout the night, even within a building. Appropriate sound proofing is required.

Response: Planning application 94/90821 granted permission for the erection of a single storey dyehouse extension, the diversion of the stream and use of land to extend the vehicular circulation area. Condition 13 of this permission restricted hours of operation to 0700 and 2000 Monday to Friday and 0700 and 1300 on Saturday with no use on Sundays and Bank Holidays. Since this time an application has been approved to remove this restriction Ref 2017/90692. The previously approved extension is on land to the south-west corner of the site and was approved on the basis that Environmental Services have agreed an overall scheme of mitigation works to address noise issues that had arisen and complaints that has been received.

This application refers to the northern part of the site. Environmental Services have considered possible noise nuisance to neighbouring properties. As noted above they have spoken to the applicant about the potential for vehicle movements between the proposed warehouse and the existing building through the night. They have advised that there will be no movement of stock throughout the night. They have also confirmed that the HGV's currently parked in this location will no longer be parked on site. Environmental Services raise no objection to the proposal and it is considered there would be no detrimental impact arising from noise disturbance to these neighbouring properties. No mitigation measures are required.

- 10.22 Given the proximity to a conservation area, any structure should be clad full height in coursed natural stone. It is incorrect that stone has only been used up to 2m.

Response: The existing industrial building is partly constructed of cladding, and it is considered the proposed facing materials would be satisfactory in keeping with existing buildings within the site. Furthermore, the substantial tree screen along the eastern boundary would satisfactorily screen the warehouse and preserve the visual amenity of the area

- 10.22 The existing access from Penistone Road is inadequate, both in terms of width and sight lines, inward and outward. Moving the extension adjacent to the existing structure would permit construction of a suitable entrance further north along a straighter section of Penistone Road (A629). This would also be away from the apex of the slow bend and beyond existing properties.

Response: As a result of the proposed improvements to the access, Highway Services are satisfied the proposal would have no detrimental impact on highway safety.

- 10.23 The objector has identified a number of errors on the application form. This include that existing walls are clad to 5.4m height in coursed stone along the south elevation, that parts of the site are considered to potentially be contaminated, that the current class uses are B2 and B8 and that limited operating hours apply to production areas (94/90821), and that the site area is incorrect possibly by a decimal point.

Response: The points raised above are noted.

Other Matters

- 10.24 The application is supported by a contaminated land report. The report recommends further intrusive investigation of the site. It is therefore recommended that a Phase II report be submitted. This can be addressed by condition.

11.0 CONCLUSION

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations.
- 11.2 Shepley Spring Ltd has operated at the site for over ten years. The proposed warehousing unit will allow this business to successfully expand and ensure its retention within the district in accordance with the aims of the framework. There would be no detrimental impact on highway safety or residential amenity. Flood risk and drainage matters can be addressed by condition.
- 11.3 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. Development to be completed in three years
2. Development to be completed in accordance with approved plans
3. The approved access and turning facilities shall be provided in accordance with the approved details.
4. The car parking areas shall be laid out surfaced, marked out into bays and drained
5. Scheme demonstrating an adequately designed soak away or alternative scheme

6. Development to be carried out in accordance with the approved FRA, with finished floor levels to be set no lower than 98.8m above Ordnance Datum (AOD).
7. Samples of facing materials to be approved.

Background Papers:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f90264>

Certificate of Ownership –Certificate A signed: