
Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 10-Aug-2017

Subject: Planning Application 2017/91111 Outline application for erection of industrial development for B1 (business), B2 (general industry), and B8 (storage and distribution) uses Station Road, Bradley, Huddersfield, HD2 1UT

APPLICANT

Keyland Developments
Limited

DATE VALID

31-Mar-2017

TARGET DATE

30-Jun-2017

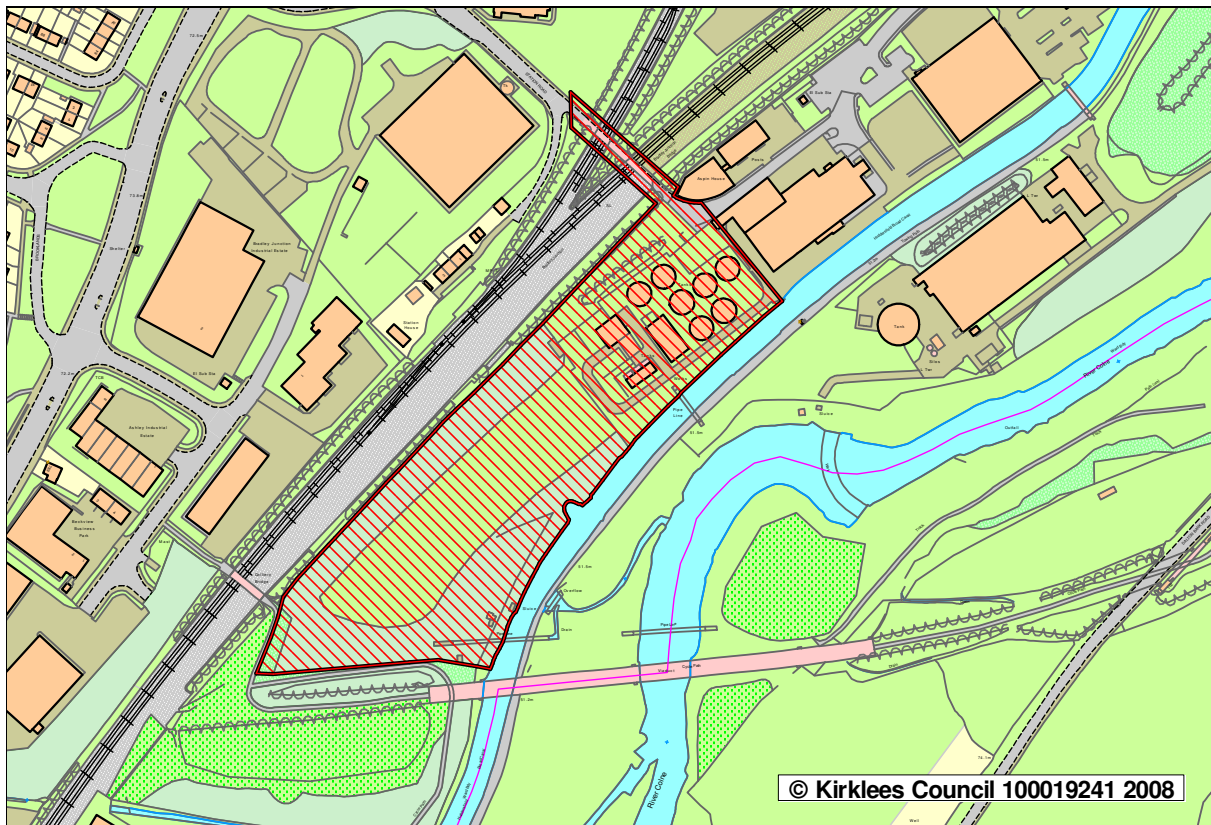
EXTENSION EXPIRY DATE

17-Aug-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 & Dalton Wards

Y/N

Ward Members consulted
(referred to in report)

RECOMMENDATION: Approve the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those referred to within this report.

1.0 INTRODUCTION:

- 1.1 The application is referred to Strategic Planning Committee on the basis that it involves non-residential development over 0.5ha in area.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site is located approximately 4.3km north east of Huddersfield town centre in a predominantly industrial area. Access to the site is via Station Road.
- 2.2 The application site is the former Bradley Waste Water Treatment Works (WWTW) and Depot. The site is located approximately 4.3km to the north east of Huddersfield and is covers an area of approximately 2.4ha.
- 2.3 Access to the property is taken from Station Road which in turn joins the A62 Leeds Road. Station Road sits at a significantly higher level than the application site. The site is accessed via a narrow signalised bridge which crosses the railway and serves a number of other industrial units located to the north east of the site. Surrounding the site to the east is the Huddersfield Broad Canal, to the south is the Calder Valley Greenway and to the west is the main railway line from Huddersfield.
- 2.4 The site boundaries comprise the railway line to the north, Marshalls CDP site to the east, canal to the south and Birkby Bradley / Calder Valley Greenway to the west.
- 2.5 The site comprises a former waste water treatment site, although a large proportion of the site has revegetated. Views of the site are very limited owing largely to the extensive vegetation cover along the site boundary.

3.0 PROPOSAL:

- 3.1 The application is submitted in outline form with all matters reserved except for access.
- 3.2 The application seeks outline consent for the erection of *circa* 3247m² of floor space set over 12 different sized units within the B1/B2/B8 use class. The submission indicates that buildings would be a maximum height of 8m to eaves.
- 3.3 Access to the site would be from Leeds Road via Station Road and the existing traffic light controlled bridge. A new entrance and access road with control lights linked to the existing system is proposed.
- 3.4 The indicative scheme shows a total of 55 car parking and 20 cycle spaces provided as part of the development.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2012/92990 - Outline application for up to 4720 sq m of floor space for industrial development (B1/B2/B8) – Approved.

5.0 PLANNING POLICY:

- 5.1 The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).
- 5.2 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).
- 5.3 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:

BE1 – Design Principles
BE2 – Quality of Design
BE23 – Crime Prevention
EP6 – Development and Noise
NE3 - Site of Scientific Interest
NE9 – Retention of Trees
T10 – Highway Safety
T18 – Strategic Pedestrian and Cycle Routes
T19 – Parking Standards
G6 – Contaminated Land
R18 – Canals and Rivers
D2 – Development on Land without Notation on the UDP Proposals Map

Emerging Local Plan policies:

PLP1 – Presumption in favour of sustainable development
PLP3 – Location of New Development
PLP4 – Providing Infrastructure
PLP7 – Efficient and effective use of land and buildings
PLP8 – Safeguarding employment land and premises

PLP19 – Strategic transport infrastructure
PLP20 – Sustainable Travel
PLP21 – Highway safety and access
PLP22 – Parking
PLP23 – Core walking and cycling network
PLP24 – Design
PLP27 – Flood Risk
PLP28 – Drainage
PLP30 – Biodiversity and Geodiversity
PLP31 – Strategic green infrastructure
PLP32 – Landscape
PLP33 – Trees
PLP34 – Conserving and enhancing the water environment
PLP35 – Historic Environment
PLP48 – Community facilities and services
PLP51 – Protection and improvement of local air quality
PLP52 – Protection and improvement of environmental quality
PLP53 – Contaminated and unstable land

Supplementary Planning Guidance / Documents:

5.4 West Yorkshire Low Emissions Strategy (2016)

National Planning Guidance:

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 as a Major Development. A total of one letter of objection has been received. This can be summarised as follows:

- *The bridge used as access to the site is possibly not suitable to take articulated wagons around 35-40 tonnes. The bridge is only just wide enough for the truck and pedestrian access is limited during the time a wagon is crossing. Someone needs to check with the rail authority reference the bridge weight limits and their limitations as to use. My opinion is there needs to be a better access planned to all the proposed site.*

7.0 CONSULTATION RESPONSES:

7.1 Statutory:

K.C Highways DM – No objection. Comments elaborated upon in main body of report.

Canal and Rivers Trust – No objection. Comments elaborated upon in many body of report.

Environment Agency – No objection subject to conditions.

K.C Drainage – No objection in principle but further detail needed to accompany layout.

7.2 **Non-statutory:**

K.C Environmental Health – No objection subject to conditions.

Network Rail – No objection subject to conditions and informatives.

K.C Ecology and Biodiversity Officer – No objection.

K.C Arboriculturist – No objection subject to planting.

Yorkshire Water – No objection.

8.0 **MAIN ISSUES**

Principle of Development
Design and Visual Impact
Residential Amenity
Contaminated Land
Ecology/Trees
Highways
Drainage/Flood Risk

9.0 **APPRAISAL**

Principle of development

- 9.1 The site is without notation on the UDP Proposals Map and currently consists of a former Waste Water Treatment Works. Policy D2 is relevant for applications on land without notation and states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”. All these considerations are addressed later in this assessment.
- 9.2 In addition, the site is allocated as a priority employment area in the emerging Local Plan and there have been no objections have been received to the provisional allocation. Consequently, significant weight is afforded to this provisional allocation given the advanced stage of the Local Plan.
- 9.3 Whilst the site has been previously developed, over time it has become populated by a range of vegetation. Whilst there are remnants and large structures associated with the existing buildings and infrastructure within the north east portion of the site, land to the south west is largely ‘green’,

although historically it appears to have formed part of a spoil heap associated with a former colliery. Consequently, whilst part of the site does appear green and has regenerated, on balance, the proposal is considered to represent development on a brownfield site.

- 9.4 Planning permission was granted in 2012 for a broadly similar development (ref - 2012/92990) and there have been no material change in circumstances since this date, apart from the progression of the Local Plan. One of the core principles of the NPPF is to proactively drive and support sustainable economic development. Given the proposed development does not conflict with the current allocation and complies with the emerging allocation, the principle of development is considered acceptable and in compliance with D2 of the current UDP and PLP8 of the emerging Local Plan.

Design and Visual Impact

- 9.5 The design of the development and its impact on amenity is a material consideration. Given that the proposal seeks outline permission with specific design details reserved, a full assessment would be carried out with any subsequent reserved matters submissions. However, a broader assessment in relation to the principle of the development has been considered. This includes crime prevention, residential amenity, land contamination, and the impact of the development on the Huddersfield Broad Canal and Calder Valley Greenway.
- 9.6 It is inevitable that the proposed development would alter the character and appearance of the area to some extent. However, some of the changes proposed would be positive for example, the removal of the existing concrete structures associated with the existing water treatment works.
- 9.7 The indicative layout shows that the units would be sited to take account of the current levels across the site. The proposed access would fall from a height of 61m AOD down to a low point approximately 5m lower. The finished floor levels of buildings would range between 1m and 5m lower than Station Road. From the canal the proposal would incorporate a retaining element as the finished floor levels of the buildings would be at least 6m higher than the water line. Consequently, buildings within the site would be on a slightly lower level than Station Road and whilst they would be readily visible, they would be set in an industrial context.
- 9.8 The impact of the development on the adjacent Huddersfield Broad Canal has been considered, in accordance with policy R18 of the UDP. The proposed development would be set well back from the canal with a mature and well established buffer of vegetation between the site and canal. This vegetation provides a natural screen to the development when viewed from the canal and offers a habitat for fauna and flora. Whilst the height of the buildings relative to the canal means they would be visible from the canal side, landscaping details at reserved matters stage would be considered with a view to ensuring the impact on the canal side environment was reduced as far as possible.

- 9.9 In addition, the Canal and Rivers Trust consider that there is scope within the proposal to improve the layout of the scheme so it has a better relationship with the canal. This would be a matter to consider at reserved matters stage. The proposed development is considered to comply with policy R18 of the UDP in this regard and policies PLP31 and PLP32 of the emerging Local Plan.
- 9.10 The proposed development is potentially acceptable in design and visual impact terms and the current application is considered to comply with policies BE2 of the UDP and PLP24 of the emerging Local Plan.
- 9.11 In respect of crime prevention, historically the industrial units situated alongside the Leeds Road corridor have experienced a variety of crime and anti-social behaviour.
- 9.12 The proposal of opening up a pedestrian / cyclist link to Calder Valley Greenway would make the site more accessible but the consequences for crime affecting businesses has to be considered. However, the applicant has confirmed their intention to ensure a link to the greenway and policy T18 reaffirms the importance of providing suitable links to this route. Crime prevention measures can be fully considered as part of the design which is a reserved matter and there is no reason why potential crime issues cannot be designed out as far as practicable at reserved matters stage.

Residential Amenity

- 9.13 The site is located in an area largely populated by industrial uses and lies in close proximity of a railway line. The closest dwellings are a row of cottages which lie to the north west on the opposite side of the railway line at a distance of approximately 50m.
- 9.14 It is considered that the railway line forms a significant barrier between the properties and the application site. However, the application would introduce additional vehicular movements along Station Road and a full assessment of the development in terms of highway safety will be made later in this report. Additional built form would also be introduced into an area which is mainly undeveloped and covered in vegetation, and given that the use is for industrial purposes could lead to a 24 hour operation at the site.
- 9.15 Given that the application is for outline consent, with only details of access submitted, the principle of development and respective impact on neighbouring properties has been considered. Notwithstanding the matters reserved for subsequent approval, the principle of industrial development is considered acceptable on this site when assessed against the amenity of nearby residents. This is due to a separation distance of over 50 metres being achieved between the site and the closest dwelling, and given the activity and background noise levels associated with other industrial uses and the railway line which forms a significant barrier.

- 9.16 Environmental Health has assessed the proposal and raises no objections, subject to the imposition of appropriate conditions. These conditions include the submission of a noise survey which should accompany the reserved matters submission so the impact on the nearest residential properties and appropriate mitigation can be fully considered at detailed planning stage. In these circumstances the proposal is considered to comply with Policy D2 and EP6 of the UDP, PLP24 of the emerging Local Plan and chapter 11 of the NPPF.

Contaminated Land

- 9.17 The application has been assessed by Environmental Health and the Environment Agency in relation to previous contamination at the site. The previous use of this site was a waste water treatment works and as such there is the potential for ground contamination. The Environment Agency does not consider the site a priority in relation to risks to ground waters from contaminated land.
- 9.18 The Council's Environmental Health service have also advised that 'standard' contamination conditions should be attached the recommendation for the submission of intrusive site investigation, remediation and validation, as well as unexpected contamination.
- 9.19 The Canal and Rivers Trust have been consulted on the proposal and they consider that the former use of the site as a treatment works should be mentioned in the submitted report in terms of off-site risks. Given the former use, and the likely absence of historic discharge to sewer agreements, it is likely that intrusive investigation planned around this knowledge would be required. The Canal and Rivers Trust also consider that there is the potential that water runoff from the car park that could be contaminated through hydrocarbons from vehicular use. This is especially the case given the nature of the proposed site, where goods vehicle manoeuvring is likely. Additionally oil interceptors are requested to be used to protect the water quality.
- 9.20 Subject to the above conditions, including a revised Phase I contamination report, the proposal would be able to be undertaken without detrimental impact on the future occupiers of the site in relation to contamination, and would comply with Policies G6 and Policies in the NPPF.

Ecology/Trees

- 9.21 The site is situated between a railway line and the Huddersfield Broad Canal, both of which are considered to function as wildlife corridors. In addition, these join directly with several other habitat corridors including the River Calder, River Colne and other railways lines within 600m of the site. The site is within the Kirklees Wildlife Habitat Network.

- 9.22 Given the location of the site it is considered likely that a number of bats would use the boundaries (particularly along the canal) for commuting and foraging. However, the submitted ecology report considered that buildings/structures on site had negligible bat roost potential.
- 9.23 The submitted ecology and tree reports consider that a number of trees on the western and eastern boundary are important from an amenity and arboricultural perspective. Consequently, the submitted indicative layout has considered these constraints and the scheme have been designed around them.
- 9.24 The submitted ecology report acknowledges that there are several burrows/holes around the site and that further survey work for badgers is recommended. In addition, updated Otter surveys are recommended.
- 9.25 Final details of the landscaping would be submitted at reserved matters stage. Network Rail has also commented in relation to the species to be used at the site to ensure that any planting has an acceptable impact on the operation of the railway. While it is not considered to be necessary to condition the use of these species, the comments have been forwarded on to the applicant for consideration with a reserved matters application when drawing up a landscaping plan.
- 9.26 In conclusion the proposal is considered to have an acceptable impact on local ecology. The proposal has the potential to provide biodiversity enhancements and the loss of any mature trees would be compensated against via new planting submitted as part of the reserved matters landscaping scheme. The proposal is considered to comply with Policy NE9 and policies in chapter 11 of the NPPF and emerging plan policy PLP30.
- 9.27 Subject to the submission of ecological enhancement measures, the proposed development is considered to represent acceptable development in compliance with emerging local plan policy PLP30 and the NPPF.

Highways

- 9.28 The main premise of policy T10 of the Kirklees UDP is to ensure that new development does not create or materially add to highway safety problems and does not generate vehicular movements that cannot be served by the existing highway network.
- 9.29 The NPPF, in paragraph 32, requires that decisions should take account of whether:
- safe and suitable access to the site can be achieved for all people; and;
 - improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development.

Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

- 9.30 In terms of access, the proposed internal access from the highway into the development site would be curved, sloping up from the site by 5m where it meets the corner of Station Road. Highways are satisfied with the point of access and details submitted.
- 9.31 In order to reach the site access it would be necessary to utilise the existing railway bridge which has limited capacity, over which both the application site and wider employment site are reached. The railway bridge has traffic signals at each end to manage one way traffic flows and pedestrian movements. This includes a pedestrian and cyclist stage within the signals. The bridge is not part of the adopted highway and the existing traffic signals are managed by Keyland Development. The carriageway width of the bridge is just 2.5m.
- 9.32 Traffic surveys have been undertaken along the bridge and it was ascertained that approximately 93 two way HGV movements and 400 two way trips comprising all vehicles took place during a typical 24 hour period. It is anticipated that the total number of all two way trips during the AM peak would be 44, and the total number of two way trips during the PM peak would be 40. The proposed development is anticipated to generate approximately 21 HGV movements (two way) within a 12 hour period, or approximately 24 HGV movements in any 24 hour period.
- 9.33 In order to accommodate the proposed site access, amendments are required to the location of the existing traffic signal equipment. It is also proposed to amend the existing traffic signal arrangements in order to accommodate a fourth stage.
- 9.34 It is noted that the objection received raises concerns with the suitability of the bridge to accept the weight of the vehicles proposed. In 2006 the applicant commissioned a report to ascertain the weight limit and any other applicable restrictions concerning the railway bridge. The report concluded that providing the bridge was resurfaced, the bridge would be able to accommodate 40 tonne wagons at no more than an average of 7 HGV's per hour over 24 hours (which would be a total of 168 HGV's). In 2017 the applicant reassessed the bridge and confirmed that it had been re-surfaced.
- 9.35 The proposed development, when combined with vehicular movements associated with existing developments which also utilise the railway bridge, would result in a total of 117 HGV's. This would be less than an average of 7 HGV's per hour over 24 hours. This element of the proposal has been assessed by Highways DM and Network Rail in terms of the proposed signals and the capacity of the bridge to accept the movements associated with the development proposed. No objections are raised.
- 9.36 The application has been considered in respect of the potential impact on the wider highway network and, in particular, the potential impact on the Station Road/A62 junction. The assessment has taken into account the proposed development and other committed developments. The results of this

assessment confirm that the junction would operate within its theoretical capacity limits with no unacceptable queue lengths on average during the AM or PM peaks.

- 9.37 In terms of pedestrian and cyclist movements, the railway bridge is constrained in width and the footway across the bridge is 0.8m wide, with no scope for widening. The existing situation allows pedestrians and cyclists to cross the bridge utilising the traffic signal staging.
- 9.38 The proposed development would alter the position of the traffic signals but, fundamentally, it would not alter the method of crossing the railway bridge. It is accepted that the railway bridge does not offer the most suitable access for pedestrians but the applicant is working with constraints which are largely outside their control.
- 9.39 The proposed development aims to utilise an alternative pedestrian and cycle way by proposing a link with the Calder Valley Greenway. This is likely to involve a pathway which slopes up from the north western corner of the site to the greenway. Overall, based on the mitigation proposed on the railway bridge and acknowledging the benefits associated with the proposed link to the greenway, the proposal is considered to provide acceptable pedestrian links.
- 9.40 In respect of parking, this is a reserved matter but there is sufficient room within the site to ensure that parking spaces are provided in accordance with planning policy.
- 9.41 Highway DM has assessed the proposed development and raises no objections. Planning conditions are proposed to mitigate potential harm. The application is considered to comply with policy T10 of the UDP and emerging Local Plan policies PLP20, PLP21, PLP22 and PLP23.

Drainage/Flood Risk

- 9.42 The site lies mainly in Flood Zone 1 with an area of the site being within Flood Zones 2 and 3 to the north/eastern boundary of the site. The application has submitted a Flood Risk Assessment (FRA) with the application which indicates that all the development will be above the flood level. Consequently, there are no objections to the proposal from the Environment Agency. It is also considered that by virtue of the height of the development proposed relative to the flood level, and the fact that the site is allocated as an employment site in the emerging local plan, the sequential test is passed in this case.
- 9.43 In terms of site drainage, the FRA discounts infiltration for geological reasons. The applicant has stated that it is likely that any subsequent scheme is likely to be designed to allow greenfield runoff rates.

9.44 Planning Practice Guidance aims to ensure discharge surface runoff is as high up the hierarchy as possible:

- into the ground (infiltration);
- to a surface water body;
- to a surface water sewer, highway drain, or another drainage system;
- to a combined sewer.

9.45 The subsequent reserved matters submission will have to regard the hierarchy above. There is potential that any runoff solution may seek to discharge water into the canal or culverts owned and operated by the Canal and Rivers Trust. Consequently, the Canal and Rivers Trust would be consulted on any final drainage scheme that may affect their infrastructure.

9.46 The Council's Principal Engineer (Flood Management and Drainage) has no objection in principle to the proposed development. However, there are concerns that pipelines may cross the site and further investigation would be required prior to agreeing a layout. Yorkshire Water has also confirmed that there are various live and abandoned water mains crossing through the site. This may fundamentally affect the indicative layout. Consequently, planning conditions are recommended that require details to be submitted with subsequent reserved matters (layout) in order to ensure that drainage details are satisfied as part of the layout.

10.0 CONCLUSION

10.1 The site comprises a partially previously developed parcel of land which is unallocated on the Unitary Development Plan, and allocated as a priority employment area in the emerging Local Plan. It lies within a wider area of employment uses. The proposal would lead to the redevelopment of a brownfield site.

10.2 Potential impacts on the highway network have been assessed and found acceptable. The scheme also proposes to provide alternative pedestrian links with the greenway which runs in close proximity of the site. The potential drainage impacts have been considered and, subject to appropriate planning conditions, are considered acceptable in principle.

10.3 In terms of design and appearance; it is acknowledged that there would be some impact on the character and appearance of the area, particularly when viewed from the canal side. However, it is considered that a carefully designed scheme with appropriate landscaping could acceptably mitigate potential impacts.

10.4 All other matters have been adequately addressed. The proposed development is considered to represent sustainable development and is therefore, recommended for approval subject to the conditions detailed below.

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

- 1. Standard condition outlining all reserved matters to be submitted.**
- 2. Reference to approved plans**
- 3. Reserved matters to be submitted within 3 years and development commenced within 2 years of final reserved matters.**
- 4. Drainage conditions covering details of existing culverts within the site to be submitted with Reserved Matters (Layout).**
- 5. Foul and surface water drainage. To be submitted with Reserved Matters (Layout)**
- 6. Contaminated land conditions including a Phase 1 report**
- 7. Noise report**
- 8. Crime prevention measures**
- 9. Ecological enhancement measures to be incorporated into landscaping**
- 10. Boundary treatments**
- 11. Cycle parking.**
- 12. Demolition method statement.**
- 13. Finished floor levels.**
- 14. Full details of proposed access including sections.**
- 15. Reserved Matters (Layout) to include a link to Calder Valley Greenway.**
- 16. Landscaping scheme shall include trees to be retained**

Informatives

The applicant/developer is advised to contact the CRT Works Engineering Team on 01827 252 073 in order to ensure that any necessary consents are obtained and that the works comply with the Trust's "Code of Practice for Works affecting Canal & River Trust".

Altering the channel of ordinary watercourses, including diversions, requires consent of the Lead Local Flood Authority (Kirklees Council Flood Management Department) under Floods and Water Management Act 2010. Diversion of Highway Drainage requires permission of the the Highway Authority (Kirklees Council). Diversion of the public sewer network requires agreement with the Statutory Undertaker (Yorkshire Water) under the Water Industry Act 1991. The latter may include transferred assets under the Private Sewer Transfer Regulations 2011 that are not yet depicted on the statutory record. Diversion of private sewers requires permission from the owners.

Background Papers:

Application and history files.

Website link to be inserted here

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