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**Report of the Head of Strategic Investment**

**STRATEGIC PLANNING COMMITTEE**

**Date: 02-Nov-2017**

**Subject: Planning Application 2017/90443 Erection of 3 units for B1 (light industrial) and B8 use, erection of two storey office building and alterations to existing building Ratcliffe Mills, Forge Lane, Thornhill Lees, Dewsbury, WF12 9BU**

**APPLICANT**

Mr Umarji

**DATE VALID**

08-Feb-2017

**TARGET DATE**

10-May-2017

**EXTENSION EXPIRY DATE**

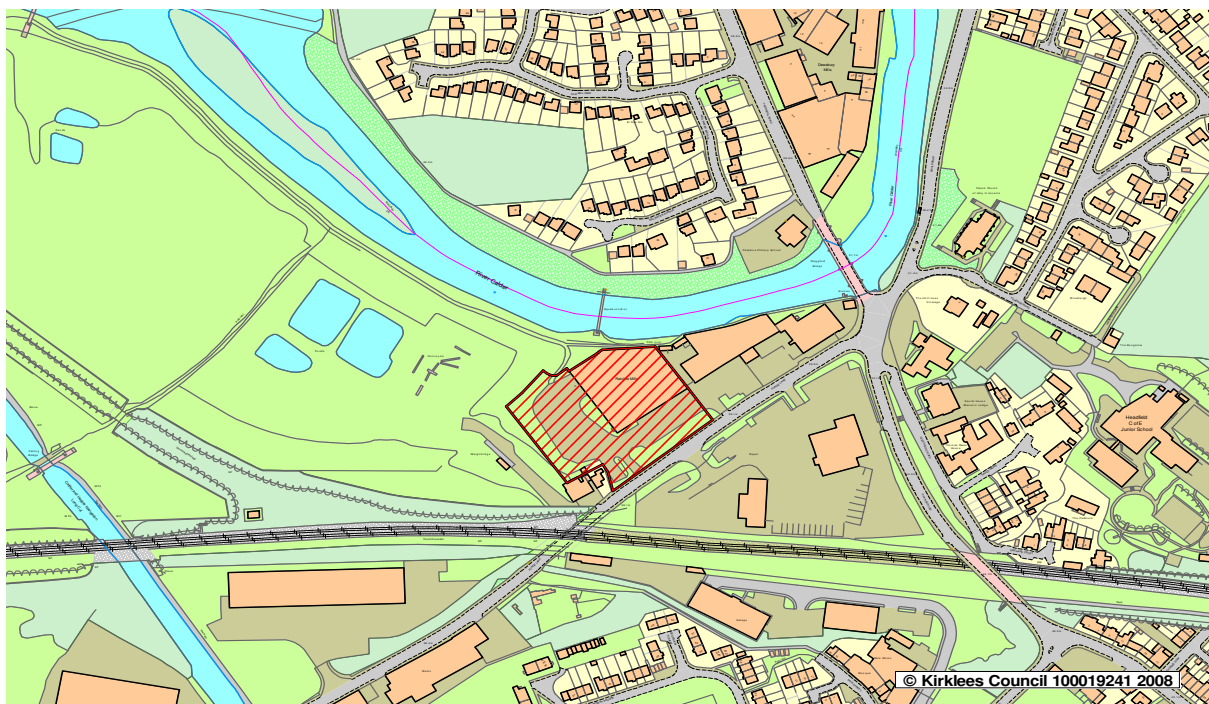
30-Jun-2017

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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**

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**Electoral Wards Affected:** Dewsbury South

Yes

Ward Members consulted

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**RECOMMENDATION:**

DELEGATE approval of 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 contained within this report.

**1.0 INTRODUCTION:**

1.1 This application is brought to the Strategic Planning Committee as the site exceeds 0.5ha and the proposal relates to non-residential development.

**2.0 SITE AND SURROUNDINGS:**

2.1 The application site measures approximately 9600 m<sup>2</sup> and is located approximately 1.7 km south west of the centre of Dewsbury within a wider concentration of commercial uses which includes manufacturing, storage and distribution and vehicle repairs. This commercial setting separates concentrations of residential uses to the east at Saviletown and to the west at West Town and Thornhill Lees. The area therefore has a mixed commercial/residential character. The closest residential property to the site borders the south western corner of the site off Forge Lane. Residential properties in the wider landscape are located approximately 125m to the north of the site and approximately 210m to the east.

2.2 The site is located within an area which is without notation in the Council's adopted Unitary Development Plan. The site is open and forms a level area of land with a slight drop in levels to Forge Lane. The land is currently an open yard area which originally served Radcliffe Mills, much of which is in poor condition.

2.3 Access to the site would be gained from Forge Lane which is a two lane highway, via an existing vehicular access point which serves several commercial premises which are accommodated within the former mill complex.

**3.0 PROPOSAL:**

3.1 The applicant proposes to build 3 new commercial units for B1/B8 use, a new two storey office complex, alterations to the elevations of the existing mill and the provision of associated hardstanding areas. The development would comprise 3 separate units, one to the south of the existing buildings and two to the west and an office building immediately adjacent to the site access. The commercial units would be capable of being sub-divided into smaller units.

3.2 The new buildings would vary in size and the approximate dimensions of each have been summarised in the following table:

Unit No.	Length (m)	Width (m)	Height to Ridge (m)	Floor space (m <sup>2</sup> )
1(Max.5 units)	30	11	7.5	340
2(Max.5 units)	30	17	8.0	514
3(Max.6 units)	37	11	7.5	408
Office	10	10	6.5	200(two storey)

#### 4.0 RELEVANT PLANNING HISTORY:

2004/92999 - Erection of warehouse and office building (Withdrawn)

2004/94601 – Erection of warehouse and office building (Refused 11.04.05)

2005/94619 - Erection of warehouse and office building with associated parking (Approved 7.2.05)

#### 5.0 HISTORY OF NEGOTIATIONS:

5.1 During the assessment of this application and as a result of concerns raised in consultation responses, the following were secured through negotiations with the applicant.

- Re-siting of units 2, 3 and the office building to potentially allow a cycle route connection from the Spen Green Way to Forge Lane.
- Design amendments to address concerns raised by the occupier of the adjacent residential property

#### 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 Examination in Public began in October 2017. 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. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

6.2 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

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

6.3 National Planning Guidance:

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

6.4 Kirklees Publication Draft Local Plan (KPDLP): Submitted for examination April 2017

PLP1 – Presumption in favour of sustainable development  
PLP3 – Location of new development  
PLP7 – Efficient and effective use of land and buildings  
PLP19 – Strategic transport infrastructure  
PLP 21 – Highway safety and access  
PLP24 – Design  
PLP27 – Flood Risk  
PLP 30 – Biodiversity and Geodiversity  
PLP51 – Protection and improvement of local air quality  
PLP52 – Protection and improvement of environmental quality

**7.0 PUBLIC/LOCAL RESPONSE:**

7.1 This application was publicised by the erection of 4 site notices in the vicinity of the site the mailing of 3 neighbourhood notification letters and an advertisement in the local press. This resulted in 1 representation from a member of the public being received with regard to this proposal and the issues raised can be summarised as follows:

- The application would lead to a loss of privacy as a result of overlooking from the proposed office building.
- The supporting planning statement is inaccurate and misleading
- The residential dwelling at the south western corner of the site has been omitted from the site plans
- The applicant has failed to provide any information regarding the position of waste bin storage on the site
- The proposal would result in noise nuisance being experienced by the nearest residential properties.

- The proposal would compromise highway safety in the area
- The proposed materials would not reflect existing development in this area

## 8.0 CONSULTATION RESPONSES:

### 8.1 Statutory:

Highways DM – No objection subject to planning conditions requiring that:

- before the development is occupied sight lines of 2.4m X 43m are provided at the access
- before the development is occupied, the access radii indicated are implemented
- Before the development is occupied, the areas to be used by vehicles are surfaced and sealed and parking spaced marked out

K.C. Strategic Drainage – No objections subject to the inclusion of the following planning conditions:

(i) Development shall not commence until a scheme detailing foul and surface water drainage, (including outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, existing drainage to be maintained/diverted/abandoned) has been submitted to and approved in writing by the Local Planning Authority. None of the buildings shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the buildings relate and thereafter retained.

(ii) Development shall not commence until a scheme, detailing the treatment of all surface water flows from parking areas and hardstandings through an oil interceptor, (or a full petrol oil interceptor) reedbed or alternative treatment system, has been submitted to and approved in writing by the Local Planning Authority. Use of the parking areas/hardstandings shall not commence until the works comprising the approved treatment scheme have been completed. Treatment shall take place prior to discharge from the treatment scheme. The treatment scheme shall be retained, maintained to ensure efficient working and used throughout the lifetime of the development. Roof water shall not pass through the interceptor.

Environment Agency – No objection subject to the applicant satisfying the Council that an adequate sequential test has been carried out and the following planning condition is attached:

The development permitted by this planning permission shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) dated January 2017, reference B21354 FRA rev A, by JNP Group Consulting Engineers and the following mitigation measures detailed within the FRA:

Finished floor levels are set no lower than 39.96m above Ordnance Datum (AOD).

## 8.2 **Non-statutory:**

K.C. Environmental Health – No objections subject to planning conditions requiring the completion of a contaminated land survey and measures to deal with any contamination identified.

Yorkshire Water – No objection subject to the inclusion of the following planning condition:

No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

## 9.0 **MAIN ISSUES**

- Principle of Development
- Local Amenity Issues
- Highway Issues
- Air Quality Issue
- Drainage and Flood Risk Issues
- Contamination Issues
- Representations

## 10.0 **APPRAISAL**

### Principle of development

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

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

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

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

This is reflected in Policy B1 of the UDP which indicates that the employment needs of the district will be met by providing land to accommodate the requirements of new and existing businesses

- 10.3 As this proposal would positively contribute towards the local economy in terms of jobs and investment, it is therefore considered that, subject to this proposal not compromising the key sustainable development principles set out in the NPPF or the issues set out in policy D2 above, this proposal is acceptable in principle.
- 10.4 Due to the stage the emerging Local Plan has reached with regard to the examination process, it must now be given considerable weight in the consideration of planning applications. The implications of this proposal on the emerging plan must therefore be considered. The site has not been identified in the local plan for a specific purpose and it is considered that this proposal would not therefore prejudice the delivery of the local plan.
- 10.5 Local Amenity Issues
- 10.6 UDP Policies BE1 and BE2 are considerations in relation to design, materials and layout. Section 7 of the NPPF indicates that good design is a key aspect of sustainable development and that poorly designed development should be refused.
- 10.7 The area surrounding the application site exhibits a variety of architectural styles both contemporary and more traditional involving the use of different facing materials including stone, brick and metal cladding. Commercial premises in the immediate vicinity of the site include buildings constructed from materials similar to this proposal.
- 10.8 The proposed buildings are of a contemporary design making use of materials which are fairly typical for this type of development. They are the height of two storey buildings and their scale would be similar to others in the immediate vicinity. Officers therefore consider that this development would not be out of keeping within the wider setting which, as indicated, includes similar buildings. It is therefore considered that this proposal would not appear as a discordant feature within the area and would not detrimentally affect visual amenity. Consequently it would therefore accord with policies BE1 or BE2 of the UDP, Policy PLP24 of the KPDLP and national policy guidance contained in Section 7 of the NPPF.
- 10.9 The site is located within an area that has a mixed commercial/residential character and forms part of a wider belt of commercial uses that divide concentrations of residential development to the east and west. The closest residential property bounds the site to the south west off Forge Lane and others are concentrated the north off Mill water Avenue and to the west off Vicarage Road these properties are approximately 125m and 210m from the site respectively.
- 10.10 The residential property which bounds the site to the south west has windows on the elevation facing this site and would be approximately 7m from the

proposed two storey office building. This office building would be of a similar scale to the residential property and its overall height would be slightly lower than the dwelling. Following negotiations with the applicant, all windows on the office elevation facing the dwelling would be obscurely glazed. Officers consider that the scale of the proposed office building is such that it would not unduly overshadow the dwelling and the use of obscure glazing would mitigate impacts on the privacy of the occupants.

10.11 Due to a combination of existing vegetation the presence of existing buildings the residential properties in the wider landscape to the north and east of the site do not have direct views of the proposed development.

10.12 The site is located within an area that has a relatively high noise climate resulting from the presence of a busy road, the main Wakefield to Huddersfield Railway line and existing commercial activity. This proposal would allow the units to be used for B1 light industry and B8 storage and distribution which officers consider that, bearing in mind the existing noise climate, would not increase noise levels in this area beyond those already experienced. Having said this it is proposed to include a planning condition requiring that before development commences, the applicant provide details of how noise sensitive properties in the vicinity will be protected from noise.

#### 10.13 Highway issues

10.14 The site is served by an existing access which adjoins Forge Lane and the applicant proposes to carry out improvements to ensure HGVs can enter and exit the site safely. This will involve the provision of 2.4m x 43m sight lines and 10m kerb radii at the junction. Vehicle tracking data indicates that HGV vehicles would be able to manoeuvre within the site in order to exit in a forward direction. The applicant has indicated that the development would provide off street car parking spaces (55 including 4 disabled spaces).

10.15 It is considered that the proposed access, parking and manoeuvring arrangements are adequate for a development of this nature. Officers consider that subject to the inclusion of planning conditions to control the issues detailed in paragraph 8.1, the proposal would accord with UDP policies T10 and T19 and KPDLP policy PLP 21 with regard to the potential impact this development would have on the local highway network.

#### 10.16 Air Quality issues

10.17 This development has been assessed in accordance with the West Yorkshire Low Emission Strategy Planning Guidance. The size of the development is more than that of prescribed values set out in this document. This proposal is therefore regarded as a 'medium development' for the purposes of the above document. In order to offset the potential damage to air quality as a result of this proposal it is proposed to seek, via planning condition, the following:

- The installation of 1 charging point in 10% of parking spaces
- A Travel Plan which includes: mechanisms for discouraging high emission vehicle use and encouraging modal shift (i.e. public transport, cycling and walking) as well as the uptake of low emission fuels and technologies.



10.18 Officers consider that subject to the measures outlined above, this proposal would accord with KPDLP policy PLP 51 and Section 11 of the NPPF with regard to any detrimental impact on air quality associated with this development.

10.19 Drainage and flood risk issues

10.20 As the application site falls within Flood Zone 2 the 'Sequential Test' must be applied. This is principally designed to steer development away from flood prone areas where possible. However, Planning Practice Guidance indicates that a pragmatic approach should be taken with regard to the availability of alternative sites and the individual circumstances of a proposed development should be considered. The applicant has provided evidence that they have carried out a search for sites of a similar size which fall within Flood Zone 1 within the local area including Ravensthorpe, Dewsbury centre, Thornhill Lees and Thornhill and has been unable to find suitable sites within Flood Zone 1.

10.21 Consequently it is considered that, in this case, the sequential test has been satisfactorily considered and that the exceptions test can therefore be considered with regard to the proposal. Paragraph 102 of the NPPF states that:

*"If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate..."*

10.22 However, in this case as the proposal is for commercial development and is therefore considered to be less vulnerable development, the application of the exception test is not necessary in this instance.

10.23 The site falls within Flood Zone 2 of the indicative flood plain map which represents a medium risk of flooding. The flood risk assessment carried out in support of this application concluded that the risk of flooding on the site is relatively low (between a 1 in 100 and 1 in 1,000 annual probability of flooding) and measures could be taken to ensure that the development would be safe during a flood event and would not make flooding worse on adjacent sites.

10.24 The Environment Agency has reviewed the above Flood Risk Assessment and has indicated that the proposal is acceptable with regard to flood risk subject to the planning conditions outlined above.

10.25 Bearing in mind the economic benefits this development is likely to bring to the local area and the relatively low risk of problems associated with major flooding, it is considered that, on balance, the wider benefits of this proposal would outweigh any negative impacts associated with flood risk. This proposal therefore accords with KPDLP policy PLP27 and policy guidance contained in section 10 of the NPPF with regard to the potential for the development to be affected by flooding.

10.26 The applicant has not provided details of foul or surface water drainage in the application submission. However, it is considered that these issues can be satisfactorily dealt with via appropriately worded planning conditions.

## 10.27 Contamination issues

10.28 Due to the history of the site, it is possible that the site could be contaminated and would therefore require satisfactory remediation during development. Should planning permission be granted it is proposed to include a suite of planning conditions requiring that prior to development commencing an intrusive site investigation is carried out and that adequate remediation measures are implemented to deal with any contamination found. Subject to these measures it is considered that this proposal would accord with UDP policy G6, KPDLP policy PLP 52 and Section 11 of the NPPF with regard to potential contamination resulting from the development of the site.

## 10.29 Representations

Representation from the public has been received with regard to this proposal, the issues raised and associated responses are summarised as follows:

The application would lead to a loss of privacy as a result of overlooking from the proposed office building.

**Response:** This matter has been considered in the section of the committee report titled "Local Amenity issues"

The supporting Planning statement is inaccurate and misleading.

**Response:** It is considered that the information contained in the planning statement combined with the case officer's knowledge of the site and area is sufficient to make a reasoned assessment of this proposal.

The residential dwelling at the south western corner of the site has been omitted from the site plans.

**Response:** The building (2 Forge Lane) does appear on the site plans but has not been identified as a residential property. However, the case officer has visited the site and is aware of this dwelling and the proximity of this proposal to it. This matter has therefore received consideration during the assessment of the application and has resulted in the applicant agreeing to provide obscure glazing on the western elevation of the two storey office building which would be adjacent to 2 Forge Lane.

The applicant has failed to provide any information regarding the position of waste bin storage on the site

**Response:** The applicant has demonstrated that a refuse vehicle can safely enter the site and manoeuvre to exit in a forward direction. The site has sufficient room to accommodate commercial refuse bins the details of which can be secured by planning condition.

The proposal would result in noise nuisance being experienced by the nearest residential properties.

**Response:** This matter has been considered in the section of the committee report titled "Local Amenity issues"

The proposal would compromise highway safety in the area

**Response:** : This matter has been considered in the section of the committee report titled "Highways issues"

The proposed materials would not reflect existing development in this area

**Response:** This matter has been considered in the section of the committee report titled "Local Amenity issues"

## **11.0 CONCLUSION**

- 11.1 The proposal would have the potential to allow new business to locate within the Kirklees area. The design of the proposed new units is considered to be satisfactory and it is considered that the development would not appear as incongruous within this particular setting, which has similar structures within close proximity.
- 11.2 The development is served by existing access arrangements and provides adequate parking and vehicle manoeuvring facilities within the site and it is therefore considered that it would not adversely affect the local highway network. Noise generated by the development is unlikely to add significantly to the existing noise climate and would not therefore have a significant additional detrimental impact on the nearest residential properties.
- 11.3 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 Strategic Investment)**

1. Standard 3 years to implement permission
2. Standard condition requiring development to accord with approved plans
3. No development on the buildings superstructure until samples of facing and roofing materials have been approved.
4. No occupancy until 2.4m x 43m site lines have been provided at the access
5. No occupancy until access radii indicated have been implemented
6. No occupancy until areas to be used by vehicles have been surfaced sealed and parking spaces marked out
7. land set aside for potential cycle route link not to be developed or permanently obstructed
8. The submission of a scheme providing drainage details for the site before development commences
9. The submission of a surface water management scheme before development commences

10. The floor levels of the development to be above 39.96 AOD
11. The implementation of an intrusive contaminated land survey.
12. The submission of a site remediation strategy if required
13. Implementation of site remediation strategy if required
14. Submission of remediation validation if required
15. The submission of a scheme detailing how noise sensitive properties are to be protected
16. All windows on the western elevation of the office building to be non-opening and obscurely glazed
17. No occupancy until details of extract ventilation systems have been approved
18. No occupancy until details of refuse bin storage areas have been submitted and agreed.
19. The installation of electric vehicle charging points
20. The submission of a low emissions travel plan
21. The submission and approval of a landscaping scheme (including maintenance arrangements)
22. The submission of a scheme indicating how the site will be artificially lit

**Background Papers:**

Application and history files.

Website link - <http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f91081>

Certificate of Ownership – Certificate A signed: 23 March 2017