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**Report of the Head of Strategic Investment**

**HEAVY WOOLLEN PLANNING SUB-COMMITTEE**

**Date: 09-Nov-2017**

**Subject: Planning Application 2016/93147 Outline application for erection of residential development 444, Bradford Road, Batley, WF17 5LW**

**APPLICANT**

P Lister

**DATE VALID**

27-Oct-2016

**TARGET DATE**

26-Jan-2017

**EXTENSION EXPIRY DATE**

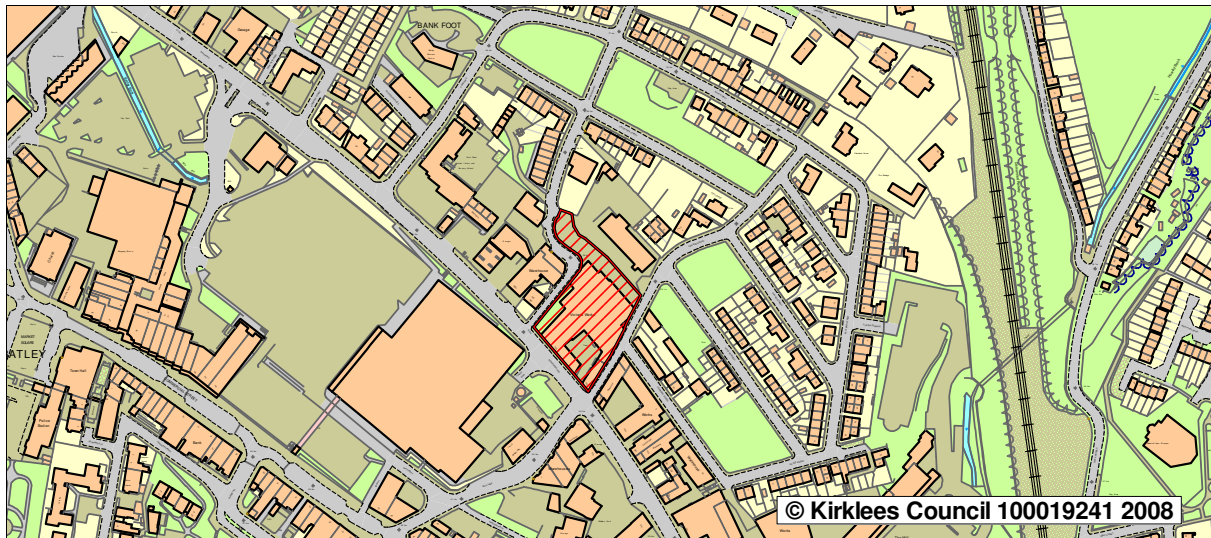
31-Mar-2017

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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: Batley East

Yes

Ward Members consulted

### **RECOMMENDATION:**

**DELEGATE approval to 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 (and any added by the Committee).**

### **1.0 INTRODUCTION:**

- 1.1 The application is brought forward to the Heavy Woollen Planning Sub-Committee for determination due to the level of representation received. This is in accordance with the Council's Scheme of Delegation.

### **2.0 SITE AND SURROUNDINGS:**

- 2.1 This site comprises an area of 0.38 hectares located on the North East side of Bradford Road, Batley. The site is flanked to the south east by Caledonia Road and to the North West by Bridge Street. The site is currently occupied by Victoria Works a mixture of one and two storey buildings, containing a number of businesses [printing and packaging] with 20 employees. The surrounding area is predominantly commercial, with occasional dwellings along the Bradford Road frontage. On the opposite side of Bradford Road is a large Tesco Store. Access to the site is taken directly off Bradford Road. There is a significant levels difference across the site with the rear of the site being considerably higher than the Bradford Road frontage.

### **3.0 PROPOSAL:**

- 3.1 Outline approval is sought for residential development on the site. At this stage the applicant wishes access and layout to be considered.
- 3.2 Access is proposed to be taken off Caledonia Road, closing off the existing Bradford Road entrance. The submitted details indicate that the development would comprise of three separate buildings providing a total of 42 residential units. The buildings would be four storeys in height containing a mixture of one and two bed units, in an L-shaped layout. Car and cycle parking facilities, in addition to bin storage and a turning facility for service vehicles, would be provided in the forecourt.

- 3.3 Whilst the appearance of the development is a reserved matter at this stage, the Design and Access Statement submitted with the application states that the buildings would be constructed of artificial stonework at ground, first, second and third floor level, with coloured render at fourth floor level.

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 2013/92480 – Renewal of outline application for residential development - approved

2010/90185 – Outline application for residential development - approved

07/95262 - Demolition of Existing Industrial Buildings and Erection of 40 No. Apartments and 2 No. Townhouses with Associated car parking, road works, boundary treatment and landscaping - withdrawn

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 A revised and updated Flood Risk Assessment has been submitted for consideration at the request of Officers and the Environment Agency.

- 5.2 Further details have been sought regarding parking and access arrangements. Revised plans to show acceptable swept paths, sight lines and parking have been submitted and re-consultation has taken place with KC Highways DM.

#### **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 25<sup>th</sup> 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 The application site is unallocated on the UDP proposals map and also on the Publication Draft Local Plan.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.3 **D2** - Unallocated land  
**B4** – Change of use of land and buildings last used for business or industry  
**BE1** – Design principles  
**BE2** – Quality of design  
**BE12** – Space about buildings  
**BE23** – Crime prevention  
**H8** – Change of use to residential  
**H10** – Affordable housing  
**H18** – Provision of open space  
**T10** – Highway safety  
**T19** – Parking standards  
**G6** – Land contamination  
**EP4** – Noise sensitive development

Supplementary Planning Guidance / Documents:

6.4 Interim Affordable Housing Policy

Council's Guidance on Education Contributions as a Result of New Residential Development.

National Planning Guidance:

- 6.5 **Chapter 4** - Promoting Sustainable Transport  
**Chapter 6** - Delivering a wide choice of high quality homes  
**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.

6.6 Kirklees Publication Draft Local Plan: Submitted for examination April 2017

Policies:

- PLP1** – Presumption in favour of sustainable development  
**PLP2** – Place shaping  
**PLP21** – Highway safety and access  
**PLP22** – Parking  
**PLP24** – Design  
**PLP30** – Biodiversity and geodiversity

**7.0 PUBLIC/LOCAL RESPONSE:**

7.1 16 letters of objection were received. The concerns raised are summarised as follows:

- Increase traffic/Congestion
- Dangerous junction
- Demand for parking
- Disruption to existing business
- Security concerns
- Additional noise
- Pollution
- Overdevelopment
- Not in keeping

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

**K.C Highways Development Management** – No objections subject to conditions

**Environment Agency** – No objections subject to conditions

**Coal Authority** – No objections subject to conditions

**K.C. Strategic Drainage** – Not received

### **8.2 Non-statutory:**

**K.C Environmental Services** – No objections subject to conditions regarding contaminated land, noise assessment, mitigation to deal with poor air quality, electric vehicle charging points

**K.C. Ecology** – No objection subject to conditions

**K.C. Strategic Housing** – Contribution required

**K.C. Education** – Contribution required

**K.C. West Yorkshire Police Architectural Liaison Officer** – No objections

**Yorkshire Water** – No objections subject to conditions

## **9.0 MAIN ISSUES**

- Principle of development
- Urban design issues
- Residential amenity
- Landscape issues
- Housing issues
- Highway issues
- Drainage issues
- Planning obligations
- Representations
- Other matters

## **10.0 APPRAISAL**

### Principle of development

- 10.1 Planning permission was granted in 2013 for a similar proposal for the erection of 40 dwellings in apartment blocks - Application number 2013/92480. The site was last in use for employment purposes. As such the proposal needs to be considered in line with guidance contained in the National Planning Policy Framework (NPPF). Paragraphs 14 and 17 of the NPPF indicate a presumption in favour of sustainable development, and support sustainable economic development to meet the needs of both new

business and industry and new homes. Paragraph 22 indicates that Local Authorities should avoid the long term protection of existing employment sites where there is no reasonable prospect of the site being re-used for that purpose. Also paragraph 51 indicates a presumption in favour of change of use from business and industry to residential where there is no strong economic reason to retain the premises for employment purposes. The relevant policy in the Kirklees UDP is Policy B4 which seeks to retain employment uses unless a number of criteria are met.

- 10.2 The applicant has submitted a comprehensive statement which satisfactorily addresses the requirements of policy B4 of the UDP. There are comparable sites available in the Grange Road area and it is accepted that the current mill buildings are in a state where considerable investment would be required in order to enable them to continue in employment use. Redeveloping the site for the company again is not feasible due to the problems of HGV's gaining access to the site and the detrimental impact this already has on adjacent residential premises.
- 10.3 The argument put forward relates to the company using any receipts from the sale of the land for residential to enable them to relocate within North Kirklees to retain the local labour force and to enable them to expand given the new contracts recently secured – this argument is accepted and the money can be reinvested in the new equipment required to service the contracts won. The agent has satisfied requirements relating to Policy B4 in so far as there is a change from a business use. The proposal is considered to be in accordance with Policy B4 of the UDP.
- 10.4 As a result of this, it is considered by officers that the applicant has demonstrated that the existing site is unlikely to be brought back into a beneficial employment use. It is also considered that notwithstanding the loss of this site there are alternative more modern premises available within the Kirklees District, as such, there is no policy objection to the loss of this site from employment use. Policy B4 also indicates that any proposal should be assessed against its compatibility with neighbouring users; and the effect the use may have upon the future operational flexibility of any neighbouring businesses.
- 10.5 The scheme relates to a site that is within a mixed use area with commercial premises adjacent but residential beyond and in the wider area. The layout plan shows buildings set back from Bradford Road, matters of residential amenity are assessed later in the report.
- 10.6 In light of the above, officers have no objection in principle to the release of this site for residential use, subject to the imposition of appropriate conditions. Especially when taking into account the planning history on this site whereby outline permission for residential development was established under approval 2013/92480.
- 10.7 Other relevant UDP policies relate to residential use on a site of this size and scale, namely policy H10 (Affordable Housing) and the Council's education contributions policy.

Urban Design issues

- 10.8 Paragraph 58 of the NPPF states that planning decisions should ensure that developments respond to local character and history, and reflects the identity of local surroundings and materials. As the application is in outline with all matters reserved there are no details of scale, materials or design. The nature of existing residential development that surrounds the site is mixed in scale and character, with no single style or design of property taking precedent.
- 10.9 The site contains large blocks of industrial units, of varying heights, located around the edge of the site that appear underused. The existing buildings have little to offer in terms of amenity and contributions to the character of the area.
- 10.10 The proposed development offers accommodation set within 3 blocks with access from Caladonia Road. Blocks A and B are similar in footprint and located adjacent to Bridge Street partially occupying the same footprint as the existing building. Block A has its gable to Bradford Road opening up the area to the site frontage. Block C is a narrower building located adjacent to Bradford Road but again is set back and therefore offers opportunity for landscaping to the main Bradford Road frontage. Access, turning and parking is predominantly located adjacent to Caladonia Road thereby opening this area up visually. The layout is considered acceptable replicating large buildings.
- 10.11 The scale of development is not included for consideration as part of this outline application although supporting information states that the ridge height would be a maximum 13.8 metres. As the surrounding area is mixed in height and scale this is likely to be considered appropriate in this context. Further issues of appearance, including materials, will be considered as part of any subsequent reserved matters. As such, it is the view of officers that development could be appropriately designed without detriment to the character of the area, in accordance with Policies D2, BE1, and BE2 of the Kirklees UDP, policy PLP24 of the PDLP, as well as chapters 6 and 7 of the NPPF.

#### Residential Amenity

- 10.12 The site is currently in commercial use and within an area which has a mixture of uses. Those buildings that bound the site appear to be predominantly commercial. In addition it is likely that future occupants may be subject to elevated levels of noise. Due to the proximity of the development to existing sources of noise it is recognised that the residential amenity of future occupants should be protected and as such has been assessed. In view of the potential for noise disturbance Environmental Services have recommended the submission of a noise report and consequently mitigation measures to ensure the protection of future occupants. Subject to condition the development would comply with the aims of Policy EP4 of the UDP and Chapter 11 of the NPPF.
- 10.13 It is considered that separation distances as outlined in Policy BE12 can be achieved and would be further considered as part of the subsequent reserved matters application to ensure the privacy of existing and future occupants is maintained.

## Landscape & Biodiversity issues

- 10.14 Landscaping is not included for consideration and is retained as a reserved matter. It is noted that there are areas of planting shown on the layout plan which would offer benefit in terms of visual amenity in addition to potential for improving biodiversity in the locality. The comments of the Landscape Section have been passed to the agent to direct any future schemes on the site.
- 10.15 UDP Policy EP11 requires that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. The scheme currently provides limited ecological enhancement, and therefore does not fully embrace the objectives of paragraph 109 and 118 of the National Planning Policy Framework. In order for the development to be acceptable conditions are imposed and can be addressed at Reserved Matters stage.
- 10.16 A bat survey was submitted with the original application and the conclusions remain valid in that further survey works should be undertaken prior to development. In light of the history of the site it is considered pragmatic in this instance to impose a condition to ensure that the proposal would protect and improve biodiversity within the local area, complying with current guidance contained within the NPPF.

## Housing issues

- 10.17 Paragraph 47 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. In terms of how planning applications should be dealt with, paragraph 49 advises: "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing." Kirklees cannot demonstrate a five year housing land supply therefore its policies that relate to the supply of housing cannot be considered up to date and the presumption in favour of sustainable development applies.
- 10.18 The development would contribute to the aims of Policy H1 of the UDP in that it would provide additional housing in a sustainable location.

## Highway issues

- 10.19 The proposed access and layout to the development are unchanged from the previously approved proposals. The existing access to the site is off Bradford Road, with a secondary access on Bridge Street. Visibility from the main access is poor and no internal turning is present. As a consequence large vehicles reverse in and out of the site to the detriment of highway safety.



- 10.20 The proposed development closes the two existing accesses and would create a new access on Caledonia Road. The revised access arrangements would be of benefit to highway safety. The development proposes the inclusion of 54 parking spaces within the site to be provided within the parking courts or beneath the apartment blocks A and B. Highway improvements included within the scheme include the widening of Caledonia Road to 5.5 metres to the full site frontage, the provision of larger radii at the junctions of Bradford Road and Bridge Street and Bradford Road and the provision of a 2.0 metre wide footway to Caledonia Road to the full site frontage. Concerns were initially raised regarding the provision of 54 spaces and as such a parking layout plan was requested to demonstrate that these could be accommodated within the site. Further details have also been submitted in respect of sight lines, swept paths and bin storage. This additional information is considered to be acceptable.
- 10.21 The formation of a new single point of access in place of two, in addition to internal turning and highway improvements are considered to be acceptable in accordance with Policies D2, T10 and T19 of the Kirklees Unitary Development Plan.

#### Flood risk & Drainage issues

- 10.22 The NPPF sets out the responsibilities for Local Planning Authorities in determining planning applications, including flood risk assessments taking climate change into account and the application of the sequential approach where necessary.
- 10.23 A revised Flood Risk Assessment (FRA) has been submitted and re-consultation with the Environment Agency completed. The proposed development will meet the requirements of the NPPF providing that the measures detailed in the FRA submitted with the application are implemented and are recommended to be secured by planning condition. In view of submitted information it is considered that the proposed development will comply with the aims of chapter 10 of the NPPF.

#### Representations

- 10.24 16 letters of representation have been received and they are summarised and addressed by officers as follows:

##### Highway safety/access/Traffic

**Response:** The application has been fully assessed taking into account the improvements that the development would introduce. As such it is considered that the development would not result in any detrimental impact to highway safety.

##### Pedestrian safety

**Response:** The proposals include improvements to the access and highway including the provision of a footway. The development will therefore improve connectivity and highway safety for pedestrians.

## Visibility

**Response:** The application has been fully assessed taking into account the improvements that the development would introduce that include to visibility. As such it is considered that the development would not result in any detrimental impact to highway safety.

### Demand for parking

**Response:** The application proposals include the provision of parking which is in accordance with the standards set out in the UDP.

### Disruption to existing business

**Response:** It is not considered that the development will result in any disruption to businesses. The introduction of residential use will improve natural surveillance and more beneficial use of the site.

### Security concerns

**Response:** The introduction of residential use will improve natural surveillance and more beneficial use of the site.

### Additional noise

**Response:** The introduction of residential activity in place of commercial use will not result in any significant increase in noise and is more likely to reduce any noise.

### Pollution

**Response:** The introduction of residential activity in place of commercial use will not result in any significant increase in pollution.

### Overdevelopment/not in keeping

**Response:** The scale of the development proposed is not included for consideration; however the maximum height of the buildings has been stated. Taking into account the scale and character of existing buildings it is considered that the site can be redeveloped whilst maintaining the mixed character of the area.

## Planning obligations

### 10.25 Affordable Housing:

Further to comments provided by Strategic Housing the Council are applying the interim affordable housing policy requirement of 20% of the development being affordable. This matter will be secured through a planning condition and at Reserved Matters stage when detailed layout and house numbers are confirmed, and subsequently via a S106 Agreement.

### 10.26 Education:

The proposed development is for 42 residential units and as such triggers consultation with School Organisation and Planning to establish whether a contribution is required. It has been confirmed that a contribution of £53,658 is required in this instance. Due to this being an outline application, and full details not yet being agreed, a condition is recommended to secure this provision in this instance.

## Other Matters

### 10.27 Business:

The site has previously been used by business and industry and as such, in terms of loss of the employment use from this site, the matters set out in UDP Policy B4 should be considered as well as the relevant National Planning Policy Framework (NPPF) policies.

10.29 Paragraph 51 of the NPPF advises that applications for the change of use from a commercial use to residential should be supported if there are no strong economic reasons for their retention, and where there is an identified need for additional housing in the area. The benefits of redevelopment for a residential purpose outweigh the retention of the industrial site. Furthermore there is a history of approvals relating to the site and redevelopment for residential purposes.

### 10.30 Coal Mining Legacy:

A Coal Mining Risk Assessment has been submitted with the application and comments received from the Coal Authority. There are no objections to the proposals providing conditions are imposed to ensure there is no risk as a consequence of development, in accordance with the aims of chapter 11 of the NPPF.

### 10.31 Sustainable transport:

Sustainable transport Paragraph 35 of the national Planning Policy guidance states that "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to...incorporate facilities for charging plug-in and other ultra-low emission vehicles." As such, this development should encourage the use of ultra-low emission vehicles such as electric vehicles. A condition is recommended in relation to the provision of facilities for charging plug-in electric vehicles.

10.32 There are no other matters considered relevant to the determination of this application.

## **11.0 CONCLUSION**

11.1 The proposal is considered to comply with current planning policies and it is the opinion of officers that there would be no significant adverse impact in terms of visual or residential amenity. Furthermore there would be no issues with regard to highway or pedestrian safety. For the reasons detailed above, it is considered by officers that, subject to the imposition of appropriate conditions, the proposal is acceptable.

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 Strategic Investment)**

1. Approval of details (appearance, scale & landscaping) to be obtained
2. Plans and particulars in relation to the above details shall be submitted and approved
3. 3 year time limit permission for submission of Reserved Matters
4. Development to commence within 2 years of the date of approval of the last Reserved Matters to be approved.
5. Development to be in accordance with approved plans
6. Affordable Housing contribution
7. Education contribution
8. Flood Risk Assessment
9. Phase I Desk Study
10. Phase II intrusive investigation as necessary
11. Remediation as recommended in the Phase II
12. Implementation remediation strategy
13. Validation Report
14. Noise attenuation
15. Report specifying measures to protect occupants from poor air quality
16. Electric vehicle charge points
17. Drainage details
18. Surface water drainage
19. Submission of an Ecological Impact Assessment and enhancement measures
20. Further bat survey
21. Scheme for layout and parking
22. Existing access from Bradford Road to be closed
23. Highway improvements
24. Removal of permitted development rights for gates or barriers
25. Cycle storage facilities
26. Details of siting, design and material to be used in construction of retaining walls/structures
27. Nothing to be permitted to be planted/erected within 2.0m back from the carriageway edge which exceeds 1.0m in height along the full frontage of Bradford Road

**Background Papers:**

Link to the planning application details:-

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f93147>

Certificate of Ownership –Certificate A signed: Mr J Westhead

Link to previous planning applications:-

2013/92480

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2013%2f92480>

2010/90185

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2010%2f90185>

2007/95262

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2007%2f95262>