
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 24-Jun-2020

Subject: Planning Application 2019/94145 Partial demolition and adaptation of units 01 and 03, erection of 10 industrial units for B1c, B2 and B8 uses, formation of car park for 46 no. vehicles and alterations to access Units 01 and 03, Meltham Mills Industrial Estate, Knowle Lane, Meltham, Holmfirth, HD9 4AR

APPLICANT

D Bamforth, Towndoor
Ltd

DATE VALID

23-Dec-2019

TARGET DATE

23-Mar-2020

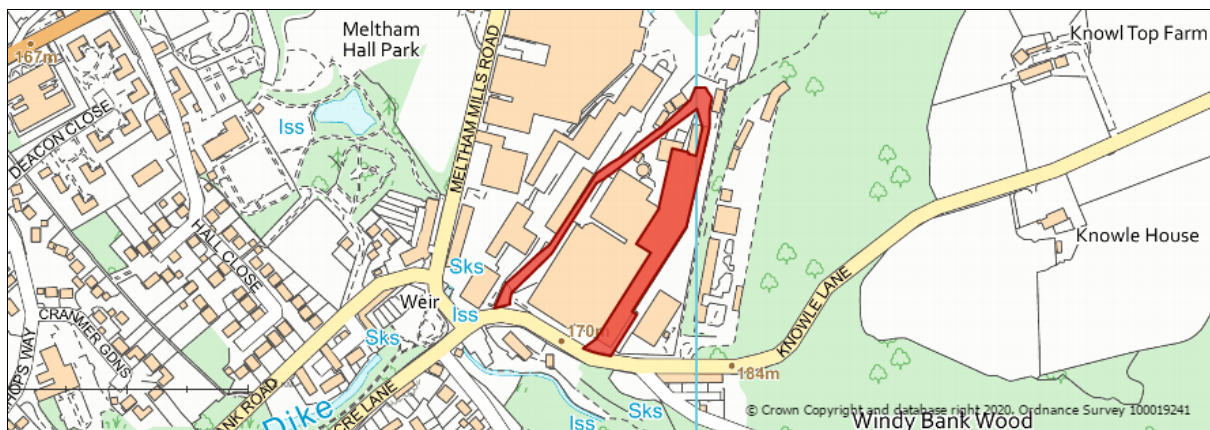
EXTENSION EXPIRY DATE

03-Jul-2020

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Holme Valley North Ward

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION

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

1.0 INTROUCTION

- 1.1 This application seeks full planning permission for the partial demolition and adaption of warehouse / industrial units, the erection of new units for B1c, B2 and B8 use and the formation of 46 parking spaces with alterations to access.
- 1.2 This application is brought before the Strategic Planning Committee as the proposal has a site area of over 0.5ha and seeks non-residential development, in accordance with the Delegation Agreement.

2.0 SITE AND SURROUNDINGS

- 2.1 Meltham Mills is a commercial estate hosting numerous industrial building of various sizes and appearances. This application relates to Units 01 and 03 in the estate's south-east.
- 2.2 The units are attached to one another and other industrial buildings not part of this application. They are faced in brick and concrete, with profiled metal sheeting roofs. Access to the units is through the north and south elevations, via large metal roller doors. They are pushed up against the commercial estate's east boundary.
- 2.3 Knowle Lane is to the site's south. The site is circa 800m to the east of Meltham Centre. PROW Bridleway MEL/34/10 and an area of Ancient Woodland runs along the site's east boundary.

3.0 PROPOSAL

- 3.1 Units 01 and 03 are to be partly demolished. These units have a combined floorspace of 3635sqm, with 2547sqm to be lost.
- 3.2 The partial demolition with new build is to form a structure providing 10 small industrial units (B1c, B2 and B8 use(s)). It is to be faced and roofed in metal cladding. The structure would have a total area of 1088sqm. Eight of the units would have a floor area of 93sqm. The remaining two would have a floor area measuring 129sqm and 186sqm.

- 3.3 At present the units are rented at a peppercorn for storage and have limited employment associated with them. Historically the units have been under-let and under-occupied. The proposed 10 units are anticipated to accommodate circa 20 jobs.
- 3.4 Post demolition the remaining original floor space of units 01 and 03 is to be converted into a car park (46 spaces) and an internal road, connecting to the estate's existing road. The new road is to enable a one-way system for large vehicles. A sliding gate and fencing, 2m in height, will be installed to the new car park's entrance.

4.0 RELEVANT PLANNING HISTORY (including enforcement history)

4.1 Application Site

None for the specific site, however the wider Meltham Mills Industrial Estate has various applications. Those below are considered relevant to the current application.

4.2 Surrounding Area

Land at, Knowle Lane

2019/92957: Demolition of existing children's play gym/out of school club and erection of children's play gym (D2), children's private day nursery (D1) and cafe (A3) and formation of 68 car parking spaces and associated landscaping – Conditional Full Permission

Unit K5, Meltham Mills Industrial Estate

2018/92702: Change of use from storage/workshop to Brazilian Jiu-Jitsu and self-defence martial arts school for adults and children (D2) – Conditional Full Permission

Woodlands Play Gym, Link Business Park

2017/93472: Change of use from electrical parts storage to children's play gym – Refused

Meltham Mills Industrial Estate

2015/93846: Erection of balconies to ground and first floor, creation of improved access and parking, new access ramp, new gate and fencing. Demolition of existing industrial building – Conditional Full Permission

4.3 Planning Enforcement

None relevant within the area.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme)

5.1 Officers requested more details from the applicant over the proposal's impact on the Priority Employment Area and the justification for the net loss of commercial floor space. A bat survey was also requested and received. Based on these documents, officers were supportive of the proposal.

6.0 PLANNING POLICY

Kirklees Local Plan (2019)

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

6.2 The site is allocated as a Priority Employment Area (PEA78) on the LP Policies Map.

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP8** – Safeguarding employment land and premises
- **LP9** – Supporting skilled and flexible communities and workforces
- **LP21** – Highway safety and access
- **LP22** – Parking
- **LP24** – Design
- **LP27** – Flood Risk
- **LP28** – Drainage
- **LP30** – Biodiversity and geodiversity
- **LP32** – Landscape
- **LP33** – Trees
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental air quality
- **LP53** – Contaminated and unstable land

Supplementary Planning Guidance / Documents

6.3 The following are relevant Supplementary Planning Guidance / Documents published by Kirklees Council or national government.

- MHCLG: National Design Guide
- Kirklees Local Plan Supplementary Planning Document – Highways Design Guide

National Planning Guidance

6.4 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), published 19th February 2019, and the Planning Practice Guidance Suite (PPGS), first launched 6th March 2014, together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes

guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 6** – Building a strong, competitive economy
- **Chapter 11** – Making effective use of land
- **Chapter 12** – Achieving well-designed places
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE

7.1 The application has been advertised via site notice, paper advertisement and through neighbour letters to addresses bordering the site. This is in line with the Councils adopted Statement of Community Involvement. The end date for publicity was the 15th of February, 2020.

7.2 No representations have been received from members of the public.

7.3 Meltham Town Council: No comments received.

8.0 CONSULTATION RESPONSES

8.1 Statutory

K.C. Highways: No objection subject to condition.

8.2 Non-statutory

K.C. Ecology: Requested survey work, which identified that further surveys within the active season are required.

K.C. Environmental Health: No objection subject to condition.

K.C. Trees: No objection.

9.0 MAIN ISSUES

- Principle of development
- Urban design
- Residential amenity
- Highways
- Other matters
- Representations

10.0 APPRAISAL

Principle of development

Sustainable Development

- 10.1 NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation. The dimensions of sustainable development will be considered throughout the proposal. Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

Land allocation (Priority Employment Area)

- 10.2 The site forms part of a larger Priority Employment Area (PEA). The PEA (ref. EPA78) has a gross area of 19.45ha. This application site has an area of 0.58ha. LP8(1) states;

Proposals for development or re-development for employment generating uses (as defined in the Glossary) in Priority Employment Areas will be supported where there is no conflict with the established employment uses (as defined in the Glossary) in the area.

- 10.3 The proposed seeks to erect units for B1c, B2 and B8, which are included within 'employment generating uses'¹. Thus, the proposal complies with the policy's first criteria.
- 10.4 The next criteria of LP8(1) is that the proposal does not conflict with the established employment uses² in the area.
- 10.5 Considering the direct impact upon neighbouring business, 'B' uses classes are compatible alongside one another. In terms of the loss of floor space, this will not directly impact upon neighbouring business. Conversely, a modern car park is to be provided where currently there is only limited and sporadic parking the Meltham Mills Industrial Estate. Furthermore, a one-way system for larger vehicles / HGVs is proposed, improving on the existing internal road layout, which has a single access and restrictive on-site turning. Therefore, the proposal is considered an enhancement for neighbouring business.
- 10.6 Notwithstanding the above, the proposal will result in the net loss of 2,547sqm of commercial floor space. This goes against LP8's principle objective of protecting the function of Priority Employment Areas and their contribution to the economy. Conversely, LP7 (which mimics the requirement of Chapter 11 of NPPF) has the following criteria to establish the 'efficient and effective use of land and buildings'.

To ensure the best use of land and buildings, proposals:

- a. should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value;*

¹ Defined as B1(a, b and c), B2 and B8 uses and enterprises which provide jobs, for example, retail, hotel, assembly and leisure and certain non-residential Sui Generis uses (such as clubs, cash and carry businesses and builders merchants)

² Specifically defined as B1(a, b and c), B2 and B8 uses only

b. should encourage the reuse or adaptation of vacant or underused properties;

- 10.7 The applicant has provided a statement on their reasoning for the loss of floor space. The key points are as follows;
- Lack of close motorway links limit the existing units' attractiveness to companies with national customers and attractiveness to skilled workers. Their scale however effectively limits their use to such business.
 - The units are in need of renovation to reach modern standards. Given the above issues, the cost to modernise the units is substantial against a poor return, based on their location and current poor parking/access.
 - There is currently an imbalance between large and small units at Metlham Mills, with all units facing the above concerns. The proposed starter units would be able to meet the modern day demands of both start-up companies and established local small businesses, and as a result would support economic growth in Kirklees.
 - The proposal enables the new car park and HGV servicing, enhancing the value, attractiveness and efficiency of the remaining units on site.
- 10.8 Units 01/03 are currently occupied, but on a short-term peppercorn rent basis, to keep them occupied and maintained.
- 10.9 The application site (0.58ha) is circa 3% of the wider PEA's area (19.45ha). In the context of making efficient use of land, as per LP7, and the argument that the applicant's have offered, officers are satisfied that the wider economic benefits of the application outweigh the direct impact of the reduced commercial floor space. Accordingly, officers do not consider the proposal to conflict with the aims of LP8 or the economic tenants of Sustainable Development.
- 10.10 In conclusion, the proposal would continue the employment use of a PEA, without harming neighbouring business operations, while representing a more efficient and effective use of land. Therefore, the principle of development is considered acceptable. Consideration must be given to the development's impact upon the local area, assessed below.

Urban Design

- 10.11 The proposal is part of a large commercial estate. Buildings within the commercial estate are varied in design and scale, but overall have a typical utilitarian appearance of commercial buildings. While unattractive, they serve a necessary functional purpose and form a key characteristic of the area.
- 10.12 The demolition of the existing units 01 and 03, which are prominent from the public realm, will reduce the amount of development at the site's boundary. This will result in a greater separation between the remaining buildings and the boundary. Officers consider that this will have a beneficial impact upon the character of the area, by introducing more openness on a highly dense site.
- 10.13 The proposed new building, which will be a partial re-build from the part-demolished unit 01, has a basic and typical appearance for a commercial building. The use of metal cladding is common within the estate and will not appear out of place. Furthermore, it is set further away from the public realm

and will not prejudice the above comments about increased separation around the site's existing buildings. The proposed car park, with entrance gate, will not be unduly prominent and will appear as a usual feature to a commercial estate.

- 10.14 Overall, the proposal will reduce the scale of development at the site, which is welcomed, and introduce a modest replacement building that has a design replicating those elsewhere in the site. The proposal is not considered detrimental to visual amenity, in accordance with LP24.

Residential Amenity

- 10.15 There are residential properties to the south-east of the site, across Knowle Lane. These are on a high ground level and are, at present, circa 40m from unit 01. Post demolition, the 'new' structure will be in excess of 90m from these properties. This separation distance prevents concerns of overbearing, overshadowing or overlooking from the physical structure.
- 10.16 The separation distance, and the site already being in commercial use, is also considered sufficient to prevent noise pollution associated with the units. No specific hours of use are considered necessary. However, in the interest of preventing harm to amenity through traffic movement and associated noise, it is considered reasonable and necessary to limit deliveries to and dispatches from the new units to the following;
- Monday to Friday: 0700 – 1900
 - Saturday: 0800 – 1300
 - None on Sundays and Bank Holidays
- 10.17 Subject to this condition, officers and K.C. Environmental Health are satisfied that the proposal would not harm the amenity of neighbouring residents, in accordance with LP24 and LP52 of the KLP and Chapters 12 and 15 of the NPPF.

Highways

- 10.18 Currently HGVs accessing the site are required to undertake slow and difficult maneuvering to turn and exit. This is due to the historic layout of the site, which has developed over a 70+ year period. The space created by the demolition allows a one-way system for large vehicles which will enhance efficiency and safety within the site, demonstrated by a Technical Note, which is welcomed by officers and K.C. Highways. This is subject to conditions ensuring the sightlines are implemented and retained, that the access is appropriately lined and signed and the new road appropriately surfaced.
- 10.19 Turning to the proposed car park, currently the wider Meltham Mills estate has limited dedicated parking facilities. Small parking areas are evident sited haphazardly through the estate. The larger car park which is available is on the opposite side of the site. The proposed car park will provide an enhancement for all users of Meltham Mills. In terms of demand generated by the proposal, the proposal will result in a net loss of floor space. However, the number of vehicle movements associated with the application may actually increase given present use competed to the potential nature of the additional smaller units. Nonetheless, the proposed inclusion of 46 parking

spaces is deemed an improvement, which will adequately serve the proposed development and improve the situation for existing business.

- 10.20 Cycle spaces are shown on the plan, but no details are given. Numbers and detailed design aspects, to ensure they are adequate for the propose use, have not been provided and are to be secured via condition.
- 10.21 Bridleway MEL/34/10 runs along the east of the site and is on a high ground level. The proposal will neither harm the function nor amenity value of the PROW, although an informative note on working practise adjacent to the PROW is to be placed on the decision notice.
- 10.22 Subject to the given conditions, officers and K.C. Highways are satisfied that the proposal would not harm the safe and efficient operation of the highway, in accordance with LP21 of the KLP.

Other Matters

Air quality

- 10.23 In accordance with government guidance on air quality mitigation, outlined within the NPPG and Chapter 15 of the NPPF, and local policy contained within LP24 and LP51 and the West Yorkshire Low Emission Strategy Planning Guidance, the LPA seeks to mitigate Air Quality harm.
- 10.24 Given the scale and nature of the development officers seek the provision of electric vehicle charging points. The plans show two spaces being proposed, which accounts to 4% of proposed new spaces. This is not acceptable, with the LPA seeking a minimum of 10% of new spaces to include EV facilities (unless high quality, rapid chargers are proposed. This has not been confirmed by the applicant). Accordingly, officers propose a condition for an additional EV Charging points. The purpose of this is to promote modes of transport with low impact on air quality, in accordance with the aforementioned policy.

Climate change

- 10.25 On 12th of November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.
- 10.26 The proposal seeks to redevelop brownfield land. Instead of seeking a new structure on Greenfield land, the applicant has identified a building which is not operating optimally and identified a more viable use for the site. Improved turning facilities will limit vehicle manoeuvres, reducing exhaust pollutants. The building will also be built to modern standards, compared to

the existing aged building. Considering these factors, officers are satisfied that the proposal will not harm the climate change agenda.

Contaminated land

- 10.27 This site has been identified as potentially contaminated land due to its previous use as mills and engineering works. No contaminated land investigation work reports have been provided with this application. To comply with the aims of LP53, officers propose a set of contaminated land conditions requiring appropriate investigation and remediation/validation as required.

Ecology and Trees

- 10.28 The site is adjacent to Ancient Woodland, which is also protected by a Tree Preservation Order. However, the site boundary does not extend into the woodland and there is a change in ground level between the site and the woodland. K.C. Trees have reviewed the proposal and are satisfied that the proposals will not adversely affect the woodland with regards to tree canopy and root growth. The proposal is not considered to conflict with LP33.
- 10.29 The site falls within a bat alert layer and is close to a habitat network. Given the age and state of the roof, it has the potential to host bat roosts. A Bat Survey has been submitted and reviewed by K.C. Ecology. Based on the results of the submitted Bat Survey, K.C. Ecology are satisfied that the proposals will not result in significant ecological harm and that the proposed enhancement measures are appropriate for the scale of the development. Subject to conditions limiting demolition to outside of the bird breeding season, that the development is done in accordance with the submitted ecological enhancements and that a lighting strategy (to ensure no undue lighting onto the habitat network), officers are satisfied that the proposal complies with the aims of LP30.

Flood Risk and Drainage

- 10.30 The site is less than 1ha and is within Flood Zone 1, with no identified watercourses that could impact upon the site. Therefore, a site-specific Flood Risk Assessment is not required and the proposal is not considered to conflict with LP27.
- 10.31 Regarding drainage, the proposal is brownfield land and would result in a substantial reduction in built footprint. This is welcomed by officers and the LLFA in principle and an upfront drainage strategy is not necessary. Nonetheless, to ensure that the proposal complies with the aims and objectives of LP28 (Drainage), which seeks to reduce the discharge rate of a brownfield site redevelopments, a condition for a drainage strategy is proposed. Additionally, the LLFA have requested a condition for a temporary drainage provision during construction, to prevent harmful water run-off. Subject to these conditions, officers are satisfied that the proposal complies with LP28.

Representations

- 10.32 No public representations have been received.

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.
- 11.2 The site is part of a larger Priority Employment Area (PEA). While reducing the commercial floor space in the PEA, officers are satisfied that the proposal represents a more efficient and effective use of land. The economic arguments in favor of the proposal, as detailed in 10.2 – 10.10, are deemed to outweigh its potential harm. Accordingly, the principle of development is found to be acceptable.
- 11.3 Turning to the local impact, the site is removed from neighboring dwellings and will not harm their amenity. The appearance of the new units is in keeping with the wider commercial estate and will not appear visually unattractive. The proposal would provide benefits to the local highway network through efficient turning facilities for larger vehicles and additional parking. Other relevant matters, including local ecology, contamination and drainage, have been considered and found to be acceptable.
- 11.4 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 Planning and Development)

1. Time limit for commencement (3 years)
2. Works to be done in accordance with approved plans
3. Sightlines onto Knowle Lane to be cleared and retained
4. New access lined and signed for highway safety
5. Hard surfaced areas to be surfaced and drained
6. No demolition / clearance during bird breeding season (unless surveyed)
7. Works and enhancement to be done in accordance with findings of the Ecological Reports
8. Lighting Strategy to be provided and recommendations implemented, to prevent harmful light pollution upon neighbouring habitats
9. Contaminated land condition set, to include site investigation, remediation and validation as required (Pre-commencement).
10. EV charging points to be provided within the new car park (10% of spaces, unless suitable high speed alternative proposed)
11. Drainage Strategy to be submitted for approval by the LPA and implemented (Pre-commencement).
12. Temporary drainage provision strategy to be (Pre-commencement)
13. Cycle storage details to be provided, approved and implement
14. Limit the hours for deliveries and dispatches

Note: PROW advice

Background Papers

Application and history files

Available at; <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f94145>

Certificate of Ownership

Certificate A signed.