
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 16-Dec-2020

Subject: Planning Application 2020/92385 Erection of warehouse Hb Food Services, Vulcan Works, Vulcan Road, Eightlands, Dewsbury, WF13 2NA

APPLICANT

Ilyas Bhamji, HB Foods
Ltd

DATE VALID

24-Jul-2020

TARGET DATE

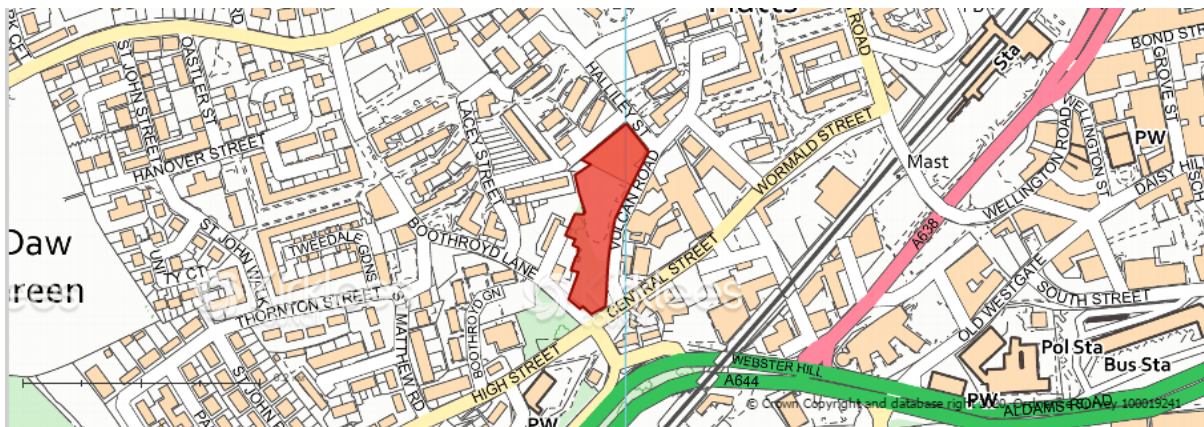
18-Sep-2020

EXTENSION EXPIRY DATE

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: Dewsbury West

Ward Councillors consulted: No

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.

1.0 INTRODUCTION:

1.1 The application has been brought to Planning Committee due to the size of the site being over 0.5ha for non-residential development.

2.0 SITE AND SURROUNDINGS:

2.1 The site relates to an area of derelict land which fronts onto Central Street to the South, with the access to the site being from Vulcan Road to the East.

2.2 Surrounding the site is residential to the West on a higher level, residential to the south and an industrial area to the East. To the North is an area of open land associated with Vulcan Foods, the application site which includes buildings used for the food supplier.

2.3 The site is unallocated on the Kirklees Local Plan. The site is not located within a Conservation Area.

3.0 PROPOSAL:

3.1 Planning permission is sought for the erection of a warehouse. The warehouse is required to expand the existing business on the site and provide additional storage for products. The current business is a food supplier to catering establishments such as restaurants and takeaways.

3.2 The proposed building would have the following dimensions (approx):

Height – 8m
Width – 14m
Length – 46m

3.3 The building would be constructed from steel cladding for the external walls and profiled steel cladding. The colour of the cladding is yet to be confirmed and can be conditioned if Members resolve to approve the proposal.

3.4 The proposal would include the formation of an area of car parking associated with the warehouse. The site would be accessed from Vulcan Road off Central Street, Dewsbury.

3.5 The warehouse would be open from 06:00-18:00 on Monday to Friday and Saturday 08:00-13:00 and would generate employment for 8 full time employees.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 No relevant planning history

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 During the course of the application, the case officer negotiated with the agent in respect of the flood risk/ drainage assessment and further information required from the Local Lead Flood Authority. Clarification was also received in relation to the turning head proposed at the site and the impact on the trees on the eastern boundary. The information provided, subject to conditions, is, in the opinion of Officers, acceptable.

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

Kirklees Local Plan (2019):

6.2 LP1 – Achieving sustainable development
LP21 – Highway safety
LP22 – Parking Provision
LP24- Design
LP27 – Flood Risk
LP28 – Drainage
LP30 – Biodiversity and geodiversity
LP33 - Trees
LP51 – Local air quality
LP52 – Protection and improvement of environmental quality

Supplementary Planning Guidance / Documents:

6.3 None

National Planning Guidance:

6.4 Chapter 2 – Achieving sustainable development
Chapter 6 – Building a strong, competitive economy
Chapter 9 – Promoting sustainable transport
Chapter 11 – Making effective use of land
Chapter 12 – Achieving well designed places
Chapter 14 – Meeting the challenge of climate change, coastal change and flooding
Chapter 15 – Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 No parish/town council comments are required. Ward Members have not commented on the planning application.

7.2 3 public representations have been received raising the following points:

- Noisy when lorries operating (residential amenity concerns)
- Electric rather than gas powered
- Structural works
- Rodents due to the building being used for food storage
- Trees act as form of privacy – don't want them affected

7.3 Officer comments will be made further in this report.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C Highways Development Management – no objection subject to conditions

8.2 Non-statutory:

K.C Environmental Health – no objection

K.C Trees – no objection subject to conditions

K.C Ecology – no objection subject to conditions

Local Lead Flood Authority – no objection 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 The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. Policy LP24 of the KLP is relevant and states that "good design should be at the core of all proposals in the district". Residential amenity, highway safety and flood risk will also be assessed in this report below.

- 10.2 Chapter 6 of the NPPF discusses how planning decisions should assist businesses to expand. This is considered to be relevant in this instance as the warehouse is to be used in association with the existing business on the site – Vulcan Foods Ltd. The warehouse proposal is required to expand the existing business on a currently vacant part of the site by providing additional storage for the food catering suppliers business. It would provide an additional 963 sq.m of B8 (warehouse) use. The building would generate sustainable economic development of a local business.
- 10.3 Taking all these factors into account, the principle of development is determined to be acceptable subject to an assessment of material planning considerations, as listed within the report below.

Visual amenity

- 10.4 Chapter 12 of the NPPF states that “the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”. Policy LP24 of the Kirklees Local Plan reiterates this and aspires for all developments to promote good design.
- 10.5 As well as this, Chapter 11 of the National Planning Policy Framework states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment. In this case, the piece of land is underutilised, it is vacant with its previous use being a timber yard, and the development, subject to other considerations as discussed within this report, is, in the opinion of Officers, suitable for development in visual amenity terms.
- 10.6 The scale of the building, albeit large, is single storey and is appropriate for this location. It has been designed to reflect its context and the shape of the site. The building is functional in its design and its fenestration details and proposed materials are appropriate for its proposed use. Within the vicinity of the site, there are industrial buildings constructed of steel cladding and therefore, Officers are of the opinion that the materials would not result in an incongruous feature in the area. The building would be visible from Central Street and Vulcan Road. It will be set back slightly from the boundary of the site and would be on a lower level than the existing built form to the west of the site and would relate appropriately to this.
- 10.7 The proposed building and associated external car parking arrangements to the rear of the site are considered by Officers to be an efficient use of the site which is currently vacant.
- 10.8 For the above reasons, Officers are of the opinion that the proposed development would comply with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

Residential Amenity

- 10.9 The closest residential properties are to the west of the site and consideration has been given to the potential for overbearing and overlooking impacts from the development upon the occupants of these neighbouring properties.

- 10.10 In this case, the application site is on a much lower level than the existing residential properties to the west and is single storey in scale. The use of the warehouse will be for storage purposes and is therefore, not considered a noise generating use. It is also noted that, given the use of the building and the relationship with existing residential properties, there will be no overbearing or overlooking impacts. There is also screening on the western boundary of the site and it is important for Members to note that a condition has been recommended to ensure that any tree works are minimal and the prior permission of the Local Planning Authority is required. Considering the levels differences, the screening and the design of the proposed building which is single storey in scale, the proposed development is acceptable.
- 10.11 Next, Officers have considered the use of the building and the potential impact that the development would have in terms of noise and light. Local Plan Policy LP52 of the Kirklees Local Plan states that “ proposals which have the potential to increase pollution from noise, vibration,, light, dust, odour...and other forms of pollution...must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure that it does not reduce the quality of life and well- being of people to an unacceptable level”.
- 10.12 In this case, Officers have consulted Environmental Health for their comments on the planning application. It is noted that the use of the building will not generate significant levels of noise but that the use of heavy goods vehicles within the site could result in levels of noise pollution that could impact on neighbouring residential properties that are located at relatively close proximity to the application site. Members should note this concern and the recommended condition requiring the submission of a noise report which will set out an assessment of noise emissions, a comparison of existing and predicted noise levels at the boundary of residential properties, and a scheme of mitigation measures. Officers are satisfied that mitigation can be provided and therefore a condition requiring this information to be secured by condition. It is also important for Members to note that Officers are recommending a condition relating to hours of operation at the site. The warehouse will, therefore, not be operated during unsociable hours (hours of operation restricted to 06:00-18:00 Monday- Friday and 08:00-13:00 Saturday. No working on Sundays and Bank Holidays). This will further mitigate the impact on residential amenity.
- 10.13 The submitted Highways Transport Statement refers to lighting at the site. Given that the site is overlooked by residential to the west, there is the possibility of glare or stray lights which may negatively impact residential properties. For this reason, Officers and Environmental Health Officers have recommended a condition that states that, prior to the installation of external lighting, a scheme shall be submitted to and approved in writing to the Local Planning Authority to ensure that the proposal complies with Local Plan Policy LP52.
- 10.14 Considering the above, Officers are satisfied that, subject to the imposition of conditions, the proposed development would comply with Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework and would not result in significant harm to residential amenity for occupiers of nearby dwellings.

Highway issues

- 10.15 The impact on highway safety is acceptable and Highways Development Management are satisfied with the application subject to conditions. The agent has submitted a transport statement which includes proposed trip generation details. It is noted by Officers that the site's current use as a timber yard generates some trips and therefore, the surplus of additional vehicles has been considered. In this case, it is likely that there will be 3 vehicle movements in the morning peak and 2 vehicle movements in the afternoon peak over and above that of the existing business. The access to the site would be from Vulcan Road – this access is currently operating for a variety of vehicle sizes, and Members should note that the proposed development would not have a severe impact on the operation and efficiency of the local highway network.
- 10.16 The Case Officer has requested that a swept path analysis is provided to show that the turning head is acceptable for most vehicles. Highways DM suggested that this could be dealt with via condition, but it is subsequently noted that the information has been provided up front. Highways DM have confirmed that the turning head is acceptable, and a condition should be recommended to ensure that this is retained if Members resolve to approve Officers' recommendation.
- 10.17 The proposed site plan shows that additional parking at the site is provided and Highways Development Management are satisfied with this level of parking and that it will accommodate the required parking at the site. In this case, there are an additional 2 parking spaces for staff and 4 new car parking spaces, with the existing parking space to be formalised, totalling 11 new parking spaces. It is noted that a condition will also be recommended that the building is used for ancillary warehousing in association with the existing business, rather than used as a separate business. This is to ensure that the level of parking is acceptable for its use.
- 10.18 Subject to the imposition of conditions, Officers are satisfied that the proposed development complies with Policies LP21 and LP22 of the KLP and Chapter 9 of the National Planning Policy Framework and will not result in highway safety issues.

Other Matters

Trees

- 10.19 K.C Trees have been consulted on the planning application due to the presence of trees on the western boundary of the site. Whilst the trees are not protected by Tree Preservation Order, they are considered by Officers to have amenity value and provide visual benefits to the area, as well as screening between the industrial uses and the residential uses to the western side of the site. In this case, the agent has not provided any arboricultural information and therefore, the case officer has queried the extent of works that would be required to facilitate the development.

- 10.20 It has been advised by the agent that there would be tree works required to facilitate the works by cutting into the banking. Whilst in principle this is supported, it is considered by Officers that it would be prudent to recommend a condition requesting details of the tree works prior to the commencement of development. That way, Officers can control the extent of works that will be undertaken, and subsequently, limit the impact on visual amenity. Additionally, Officers suggest to Members that a condition requiring a landscaping plan should be imposed on the planning permission, should it be approved, to ensure that the trees that are felled or damaged during construction, will be replaced with suitable species to create a tree screen.
- 10.21 Subject to the imposition of these conditions, Officers are satisfied that the proposed development complies with Local Plan Policy LP33 and Chapter 15 of the National Planning Policy Framework.

Ecology

- 10.22 K.C Ecology been consulted on the planning application and raise no objection in principle to the application. With the application, a bat scoping survey has been submitted which shows the limited risk of direct impacts to protected species. However, it is noted that the adjacent habitats close to the site have the potential to impact on commuting and foraging bats and the proposed lighting at the site would have the potential to impact upon the species. As well as this, any vegetation and trees that would be removed have the potential to cause disturbance and for this, mitigation is needed to compensate for their loss.
- 10.23 A condition has been recommended to require a survey of the vegetation for active birds' nests and a protocol for dealing with invasive species to be submitted to the Local Planning Authority prior to the clearance of vegetation at the site.
- 10.24 As part of the current proposals, no biodiversity net gain has been provided and therefore, given the size of the site, ecological enhancements should be provided. Therefore, Officers would note the importance of recommending a condition for an ecological design strategy to be submitted which will set out details of planting, lighting, details of habitat boxes and their maintenance. Officers consider that, for the scale of development, the condition requiring this information is acceptable in ecology terms.
- 10.25 Officers are satisfied that the proposed development would comply with LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Climate Change Emergency

- 10.26 On 12th 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.

- 10.27 Considering the scale of the proposed development, should Members resolve to approve the application, a condition will be recommended to require electric charging points within the proposed car parking area in order to satisfy the aims of the Council's Climate Change Emergency.
- 10.28 Subject to this condition, in the opinion of Officers, the proposed development complies with Policy LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

Contaminated Land

- 10.29 The site is identified on the Kirklees mapping system as being located on land that may be contaminated due to its previous use on the Kirklees mapping system and therefore, K.C Environmental Health Officers have been consulted on the planning application. A Phase I desk study has been submitted and Officers agree with the conclusions of the information.
- 10.30 The site was previously an iron works and therefore it is important for Members to note the suggested conditions that are required in relation to the next phase of the development. Subject to the imposition of conditions which will require intrusive investigations at the site prior to development commencing and subsequent monitoring, and subject to the findings of the subsequent reports, the proposal complies with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

Local Lead Flood Authority

- 10.31 The case officer has consulted the Local Lead Flood Authority who initially objected to the proposal on the basis of the lack of a surface water drainage design for the proposed development. The application form submitted states that surface water is proposed to be discharged into the main sewer which is likely to be the only available method of removing surface water from the site, and therefore, there is no objection in principle.
- 10.32 The applicant provided information of the proposed discharge rate of 5l/s and proposed a discharge point which is a public surface water sewer along Vulcan Road. The applicant has also confirmed that storage crates will be used for attenuation – following the submission of additional information, the % storage is noted and the LLFA confirmed this to be acceptable for this site and the proposed development.
- 10.33 Further information has subsequently been provided, considering the initial objections raised by the LLFA have now been overcome. Drainage details are acceptable subject to conditions requiring details of the foul, surface water and land drainage to be provided and the details of operation, maintenance, and management of surface water drainage infrastructure. Additionally, a condition that requires a scheme for temporary surface water drainage for the construction phase is also recommended. Members should note that the applicant has submitted further information following several consultation responses, and the information is now acceptable, complying with Local Plan Policy LP28 of the Kirklees Local Plan and Chapter 14 of the NPPF.

Representations

3 public representations have been received raising the following points:

- Noisy when lorries operating (residential amenity concerns)
Officer comment: Officers are satisfied that noise reports can be provided to demonstrate that the noise from the associated noise from the warehouse will not harm residential amenity. Members should note the residential amenity section of this report.
- Electric rather than gas powered
Officer comment: this is not within the control of the planning system. However, it is important to note that electric vehicle charging points will be provided to provide an opportunity for electric vehicles to be utilised.
- Structural works
Officer comment: The NPPF states that the responsibility for securing a safe development rests with the development and/or landowner. This is within paragraph 179.
- Rodents due to the building being used for food storage
Officer comment: this is not a material planning consideration.
- Trees act as form of privacy – don't want them affected
Officer comment: Members should not Officers' comments in the Trees and residential amenity section of this report.

11.0 CONCLUSION

- 11.1 To conclude, it is considered that, with the inclusion of the suggested conditions set out in section 12.0 below, the proposal would have an acceptable impact with regard to visual amenity, residential amenity and highway safety as discussed in the above report.
- 11.2 The NPPF 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. The proposed development has been assessed against relevant policies in the development plan and other material considerations. Subject to conditions, it is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) and the application 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. Standard 3-year time limit for implementation.
2. Development to be in accordance with the approved plans.
3. Materials to be as shown on the plans.
4. No removal of trees and vegetation shall take place prior to check for active birds' nests
5. Invasive non-native species protocol to be submitted and approved in writing
6. No development to take place until an EDS is submitted and approved

7. No additional tree works to commence without the prior approval of the LPA
8. Landscaping boundary treatment plan
9. Noise assessment
10. External artificial lighting scheme to be submitted and approved in writing by the LPA
11. Phase II intrusive investigation report (contaminated land)
12. Remediation strategy (contaminated land)
13. Implementation of remediation strategy (contaminated land)
14. Submission of validation report (contaminated land)
15. Electric vehicle charging points
16. Turning head to be retained
17. Development to be used in association with the existing business at the site
18. Permeable surfacing
19. Hours of operation – 06:00-18:00 Monday to Friday and 08:00-13:00 Saturday. No works on Sunday and Bank Holidays
20. Scheme detailing foul, surface water and land drainage
21. Details of operation, maintenance, and management of surface water drainage infrastructure
22. Scheme detailing temporary surface water drainage for construction phase

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020/92385>

Certificate of Ownership –Certificate A dated 23rd July 2020