
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 16-Dec-2020

Subject: Planning Application 2020/92276 Flexible use of existing bus depot and vehicle maintenance garage as bus depot and vehicle maintenance garage and/or B2/B8 storage use (within a Conservation Area) 2, George Street, Batley, WF17 5AU

APPLICANT

Star Coaches Holdings
Ltd

DATE VALID

29-Jul-2020

TARGET DATE

23-Sep-2020

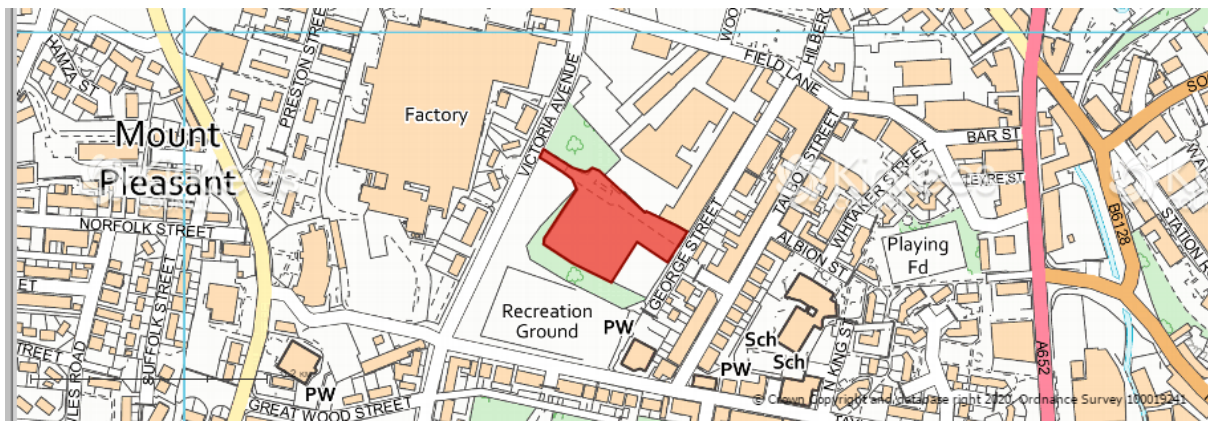
EXTENSION EXPIRY DATE

23-Dec-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: Batley East

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 is reported to Strategic Committee as the proposal is non-residential and exceeds 0.5 ha in size.

2.0 SITE AND SURROUNDINGS:

2.1 The 0.6 hectare site comprises a former chemical works within a mixed use industrial / residential area roughly half a kilometre south of Batley town centre. The site has vehicular access from both Victoria Avenue to the west and from George Street to the east. The former buildings have been demolished and the site is being used as a coach park with a small modular building on site which also serves as an office. A dwelling has recently been constructed in the south-eastern corner of the site pursuant to planning applications planning ref: 2016/92887, 2017/93632 and 2019/92325 and the approved garage building is also under construction. The site abuts New Ings Mill to the north, George Street to the east, and a raised wooded embankment to the south and west, beyond which are playing fields to the south and west. The site is unallocated on the Kirklees Local Plan and falls within the Station Road conservation area.

3.0 PROPOSAL:

3.1 Planning permission was recently granted under 2016/92887 for the erection of one dwelling and garage for use as bus depot and vehicle maintenance (within a conservation area). Modifications to this permission were sought under 2017/93632 and 2019/92325.

3.2 Under these permissions a detached dwelling was granted, to be occupied by the applicant for onsite management and security presence. This now been constructed and is occupied by the applicant. In addition to this a 5-bay garage building with ancillary offices was approved for the maintenance and management of vehicles as well as for refuelling. The offices were proposed to provide a base for the running of Batley Star Coaches. The building is currently under construction. To the front of this building as an area for the parking/turning of coaches. The principle access was to be taken from Victoria Road, with a secondary access from George Street to serve an area of staff parking.

3.3 This application seeks planning permission for the flexible use of this bus depot and vehicle maintenance garage as bus depot and vehicle maintenance garage and/or B2/B8 storage use. The development will continue to be completed in accordance with 2019/92325, with no physical alterations being proposed to the building and the access arrangements to the site also remain unchanged from the previous permission.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 The relevant planning history is set out below:

- 2013/93481 – Prior Notification for demolition of de-commissioned chemical works and associated warehousing and offices (within a conservation area) – Demolition Details Approved
- 2016/92887 - Erection of one dwelling and garage for use as bus depot and vehicle maintenance (within a Conservation Area) – Conditional Full Permission
- 2017/93632 – Variation of condition 2 (plans and specifications) on previous permission 2016/92887 for erection of one dwelling and garage for use as a bus depot and vehicle maintenance – Granted
- 2018/90287 – Discharge conditions 2, 7, 8 and 11 on previous permission 2017/93632 – approved
- 2019/92325 – Variation condition 1 (plans) on previous permission 2017/93632 for variation of condition 2 (plans and specifications) on previous permission

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

5.1 The agent submitted a reduced red line boundary during the course of the application.

5.2 The agent entered into discussion in order to discuss comments received from KC Environmental Health in relation to noise.

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 The relevant Local Plan policies are set out below:

- LP 1 – Presumption in favour of sustainable development
- LP 21 – Highway Safety and access
- LP 22 – Parking
- LP 24 – Design
- LP 35 – Historic Environment
- LP 51 – Pollution
- LP 52 – Noise and Disturbance

Supplementary Planning Guidance / Documents:

6.3 Kirklees Highways Design Guide

National Planning Guidance:

6.4 The relevant National Planning Policy Framework chapters are set out below:

- Chapter 2 – Achieving Sustainable Development
- Chapter 6 – Building a strong, competitive economy
- Chapter 9 – Promoting Sustainable Transport
- Chapter 12 – Achieving well designed places
- Chapter 15 – Conserving and Enhancing the Natural Environment
- Chapter 16 – Conserving and Enhancing the Historic Environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been publicised by neighbour notification letter. As a result of this publicity period, no representations have been received.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:**

KC Highways DM: no objection subject to conditions

8.2 **Non-statutory:**

KC Environmental Health: no objection subject to conditions

9.0 MAIN ISSUES

- Principle of development
- Highway issues
- Residential amenity
- Urban design issues
- Other matters
- Representations

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. Chapter 6 of the NPPF states that planning decisions should help create conditions where businesses can invest, expand and adapt and significant weight should be placed on the need to support economic growth and productivity.

- 10.2 In the case of this application, planning permission was recently granted under 2016/92887 for the erection of one dwelling and garage for use as bus depot and vehicle maintenance (within a conservation area). Modifications to this permission were sought under 2017/93632 and 2019/92325. Under these permissions a detached dwelling was granted, to be occupied by the applicant for onsite management and security presence. In addition to this a 5-bay garage building with ancillary offices was approved for the maintenance and management of vehicles as well as for refuelling. The offices were proposed to provide a base for the running of Batley Star Coaches. To the front of this building was an area for the parking/turning of coaches. The principle access was to be taken from Victoria Road, with a secondary access from George Street to serve an area of staff parking.
- 10.3 The supporting statement that has been submitted for this application sets out that Star Coaches is a local family run coach hire business which was established in 1982. Historically, the company had operated from 25, Talbot Street with coach parking and garages to the rear of the site which are accessed from George Street. The applicant acquired the former chemical works (the application site) and has implemented the approved planning permission as set out above. At the time of the site visit, the applicant's dwellinghouse appeared to be occupied and the garage building was under construction. A number of coaches were parked within the site.
- 10.4 The supporting statement sets out that amidst the construction process, the Coronavirus pandemic has had a significant impact on the business, with all coach trips being cancelled since 23rd March 2020. Since then, the statement sets out that the fleet has been parked on the site, with the staff being furloughed.
- 10.5 In the context of the above, this application seeks planning permission for the flexible use of this bus depot and vehicle maintenance garage as bus depot and vehicle maintenance garage and/or B2/B8 storage use. The supporting statement sets out that the applicant effectively seeks to extend the permitted use of the site to allow for B2 and B8 storage uses within the garage depot building and is essential in adding value to the site and in the coming contraction of the business, which will help the company survive in the long term. The development will continue to be completed in accordance with 2019/92325, with no physical alterations being proposed to the building and the access arrangements to the site also remain unchanged from the previous permission.
- 10.6 The proposed development, on the site of a former chemical works, would support the continuation of the local business on this site and is considered to make an efficient re-use of this brownfield site, being compatible with the existing use of the site as a bus depot and vehicle maintenance site. The proposed development is considered to comply with the aims of Chapter 6 of the NPPF and is considered acceptable in principle.

Highway issues

- 10.7 The application has been reviewed by KC Highways DM. Highways Officers comment that there are no changes to the approved access arrangements on the site and there is ample parking provision within the site. They note that the application therefore seeks to establish a flexible use of the site which includes B2 and B8 use.

10.8 Given that the existing access arrangements are unchanged from the previous permissions, KC Highways DM have no objection to these proposals.

10.9 However, Highways DM note that Condition 25 of the original permission stated the following:

25. Notwithstanding the details submitted the proposed access from George Street shall not be used for access for coaches.

Reason: In the interests of highway safety and to accord with Policy T10 of the Kirklees Unitary Development Plan.

As such, KC Highways DM recommend that a similar condition should be attached to this application to say that the proposed access from George Street shall not be used for access for Heavy Goods Vehicles in the interest of highway safety.

10.10 In light of the above, subject to the recommended condition, the proposed development is considered to be acceptable in terms of highway safety and comply with the aims of Policies LP21 and LP22 of the KLP as well as the aims of the NPPF.

Residential Amenity

10.11 The surrounding area is of mixed use with residential properties located to the west of the site off George Street, to the east off Victoria Avenue, and to the south of the site off Taylor Street.

10.12 Given the nature of the application, which proposes no physical changes to the development already approved, there would be no harm to the amenities of neighbouring properties arising from built form. The key consideration in terms of residential amenity therefore rests with the noise impacts.

10.13 KC Environmental Health originally commented on the application, requesting a noise survey to be submitted prior to the determination of the application. The agent responded to this request, referring to the various conditions that have been applied to the previous permissions. These conditions specified that certain noise levels cannot be exceeded in various locations around the site. This allowed for unrestricted hours to be permitted, in order to meet the needs of the business, with coaches often having to depart at unsociable hours. The agent posed that the applicant would be happy to accept the same noise conditions as those previously imposed in order to ensure that the same noise levels would not be exceeded by extending the use of the site to B2 and B8.

10.14 KC Environmental Health have reviewed this and recommend that the coach use of the application could remain unrestricted in terms of its hours of use, with similar noise conditions regarding noise levels being imposed. With respect to the proposed B2/B8 use of the site, the above condition will also apply however an additional hours of operation condition is recommended in order to ensure that additional vehicle movements from non-passenger vehicles (such HGVs, forklift trucks, vans etc) do not have an adverse impact on the amenity of residential properties. KC Environmental Health request that there are no non-passenger vehicle movements on and off the site outside the hours of 0700 and 2300 on any day of the week.

- 10.15 The application is considered to be acceptable in terms of residential amenity, subject to the above stated conditions and the application is considered to comply with the aims of Policies LP24 and LP52 of the KLP as well as the aims of Chapter 15 of the NPPF.

Urban Design issues

- 10.16 The site is located within the Station Road conservation area where in accordance with Policy LP35 of the KLP, proposals for development should contribute to the preservation or enhancement of the character and appearance of the area. Chapter 16 of the NPPF states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets... and the desirability of the development making a positive contribution to local distinctiveness.
- 10.17 As set out within the supporting statement, the remainder of the built form on the site will continue to be constructed in accordance with the details on the previous approval. No physical works are proposed under this application. As such, the application would have a neutral impact on the appearance of the conservation area.

Climate Change

- 10.18 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.
- 10.19 KC Environmental Heath has reviewed the application and comment that In an application of this nature it is expected that facilities for charging electric vehicles and other ultra-low emission vehicles are provided in accordance with the National Planning Policy Framework and Air Quality & Emissions Technical Planning Guidance from the West Yorkshire Low Emissions Strategy Group. A condition requiring charging points is therefore necessary in order to comply with the aims of Policies LP24 and LP51 of the KLP and the aims of Chapter 9 of the NPPF.

Other Matters

- 10.20 Issues relating to drainage and contamination been addressed under the previous application. As this application purely seeks to extend the permitted uses of the site, no further details have been requested in respect to these matters.

Representations

10.21 None received.

11.0 CONCLUSION

11.1 The proposed development, on the site of a former chemical works, would support the continuation of the local business on this set and is considered to make an efficient re-use of this brownfield site, being compatible with the existing use of the site as a bus depot and vehicle maintenance site. The proposed development is considered to be acceptable subject to the conditions set out below.

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.

11.3 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposals accord with the development plan and it is recommended that planning permission be granted.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

1. 3 years
2. Plans and specifications
3. Access condition – no coaches or HGVs from George Street
4. Charging points
5. Noise conditions (levels not be exceeded)
6. Hours condition restricting the vehicle movement of non-passenger vehicles.

Background Papers:

Application and history files:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f92276>

Certificate of Ownership –Certificate A signed.