
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 27-Jan-2021

Subject: Planning Application 2020/92800 Demolition of existing warehouse and workshop unit and the erection of 3 units with reconfigured access, boundary treatment, landscaping and associated works Land at, Pennine View/Pheasant Drive, Birstall, Batley, WF17 9LT

APPLICANT

Mileway Real Estate

DATE VALID

25-Aug-2020

TARGET DATE

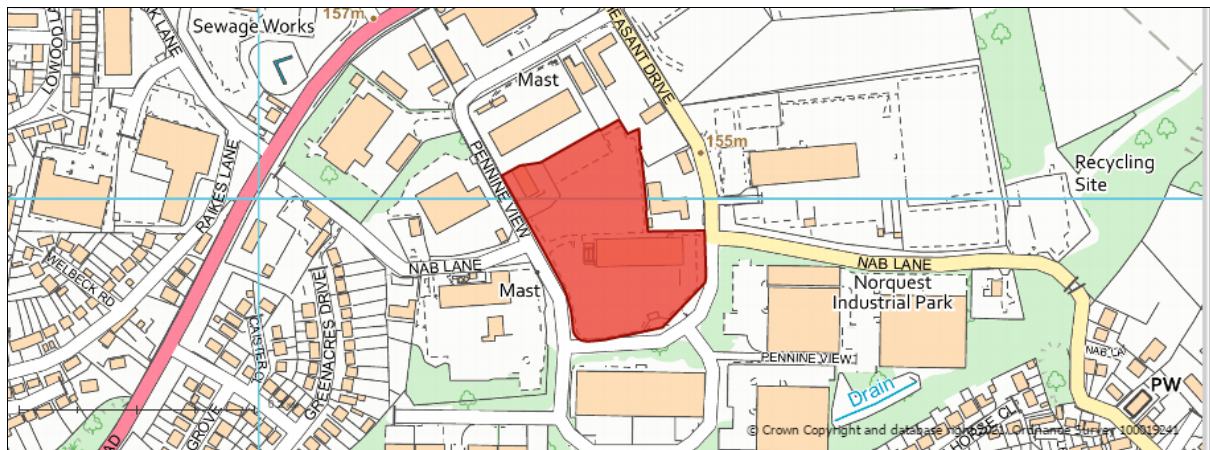
24-Nov-2020

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: Birstall and Birkenshaw

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 Strategic Investment in order to complete the list of conditions including those contained within this report and to secure a Unilateral Undertaking Section 106 agreement to cover the following matters:

- 1) Public Right of Way – Off-site contribution of £36,000 towards the improvement of the local Public Right of Way network.

In the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the mitigation and benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION:

- 1.1 This application is brought to the Strategic Planning Committee as the site exceeds 0.5ha and the proposal relates to non-residential development.
- 1.2 The full planning application is made by Mileway Real Estate.

2.0 SITE AND SURROUNDINGS

- 2.1 The application site measures approximately 1.80 Hectares and consists of a large warehouse and workshop, located between Pennine View and Pheasant Drive, Norquest Industrial Estate, Birstall. The site is located approximately 2.4km (via the A62 Geldard Road) south west of the M62 Junction and approximately 2km north east of Birstall town centre.
- 2.2 The warehouse is set back within the site surrounded by palisade fencing on a grass verge facing Pennine View and Pheasant Drive. It is constructed of metal sheeting with a brick base and has various openings and dock levellers, particularly on the southern elevation, to accommodate the loading and unloading of goods from Heavy Goods Vehicle (HGVs). The remaining space within the site is taken up by hardstanding. Outside the palisade fencing (but within the red line boundary) to the north west of the site, separate from the warehouse consists of a workshop. The workshop is constructed in brick, with openings to the front to accommodate the servicing of vehicles. Attached to the workshop is a two-storey brick building which contains a flat roof. Access is taken directly from Pennine View. The existing warehouse and workshop are currently let to a logistics business on a short-term basis.

- 2.3 The application site is located within an area characterised by employment units, of a similar scale and design to those found at the site. The nearest residential dwellings are approximately 140 metres away from both the southern boundary of the Site (on Moat Hill Farm Drive) and beyond the western boundary (on Greenacres Drive).
- 2.4 The application site forms part of a 'Priority Employment Area.' Reference: PEA46 Oakwell Industrial Park, Centre 27 Business Park & Norquest Industrial Park, Gelderd Road, Birstall, Batley, which has an overall area measuring 61.64 Hectares. The site is located in Flood Zone 1 and there are no listed buildings, conservation areas or tree preservation orders on or near to the site. The application site is located within a High Risk Coal Area. The application site is approximately 150m north of a proposed unnamed Greenway, which forms part of the core walking and cycling network. In addition the site is in close proximity to a number of Public Rights of Way, including BAT/8/20, BAT/8/10, BAT/13/30 which provides pedestrian permeability with the nearby residential areas.

3.0 PROPOSAL:

- 3.1 Full Planning permission is sought for the demolition of existing warehouse and workshop unit and the erection of three employment units for either B1 (c) Light Industry, B2 General Industry and B8 Storage and Distribution with reconfigured access from Pennine View, installation of boundary treatment, associated landscaping, parking and hardstanding for manoeuvrability.
- 3.2 The proposal would mean that there would be a net additional gross internal floorspace of 5086 square metres (Existing gross internal floor space – 2032 square metres; Proposed gross new internal floor space - 7118 square metres).
- 3.3 Unit 1 (3380 square metres) is located towards the northern boundary. It consists of a reception area and warehouse at ground floor and ancillary office space, storage area and welfare facilities on the mezzanine floor. The unit would have a new dedicated access from Pennine View and would provide 47 car parking spaces, together with a service yard with space for a 26m Heavy Goods Vehicle turning circle.
- 3.4. Unit 2 (3068 square metres) is located on the south west corner of the site by the junction with Pheasant Drive and Pennine View. It consists of a reception area and warehouse at ground floor and ancillary office space, storage area and welfare facilities on the mezzanine floor. The unit would share an access with unit 3 at Pheasant Drive and would provide 36 car parking spaces, together with a service yard with space for a 26m Heavy Goods Vehicle turning circle.
- 3.5. Units 3a (253 square metres) and 3b (417 square metres) (Overall 670 square metres) are contained within a single building. Unit 3a would be the smaller of the two units; where unit 3A would consist of be single storey with just warehouse space and no mezzanine level while unit 3B would accommodate a warehouse at ground floor level and a mezzanine storage area. No fixed welfare areas such as w/c's are shown on the plans to provide flexibility for letting as either a single unit or unit 3A and 3B. Drainage 'pop ups' would be provided for both scenarios. The units would share an access with unit 2 at Pheasant Drive and would provide 18 car parking spaces, together with a service yard for Heavy Goods Vehicles.

- 3.6. The elevations will comprise profiled metal cladding with small feature areas around the office of composite metal panels. Aluminium windows and doors with canopies will be used to the office, with steel personnel doors and loading doors to the warehouse.
- 3.7 The landscape proposals include small areas of ground cover planting between buildings and on the edges of car park areas. The remainder of the soft areas will be seeded. A small group of existing trees located on the southern boundary are to be retained with new tree planting, where space allows, to provide some softening to the proposals. The proposal includes bin and cycle storage facilities as well as a sub-station. In addition, a 2.4m high paladin fence is proposed to replace the existing palisade fencing, along with new vehicle and pedestrian gates.

4.0 RELEVANT PLANNING HISTORY (including enforcement history)

- 4.1 A number of planning applications have been made for the site, including:
- 2008/92793 (Erection of Fire Escape and New Window Opening) - Conditional Full Permission 29/09/2008
 - 2004/93191 (Alterations to Convert 2nd Floor into Office) - Conditional Full Permission 15/10/2004
 - 2001/92685 (Installation Of 5 No. New Windows) - Conditional Full Permission 05/11/2001
 - 98/90742 (Erection of Extensions) - Conditional Full Permission 24/04/1998
 - 96/93711 (Erection of WC Extension, Installation of Vehicle Wash and Installation of Roller Shutter Doors) - Conditional Full Permission 07/02/1997
 - 93/03042 (Change of Use of Part of Premises from Vehicle Maintenance to Warehousing (B2 - B8)) - Conditional Full Permission 13/08/1993
 - 89/03054 (Erection of Trailer Assembly Workshop, Offices and Hardstanding Areas) - Refused 12/01/1990
 - 86/02250 (Construction of Single Storey Portal Framed Building for Servicing of Company Vehicles) - Granted Conditionally 11/07/1986
 - 79/04534 (Extension to existing distribution warehouse/reposition existing fence, portakabin, dev tank and vehicle wash) - Granted Conditionally 24/08/1979

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme)

- 5.1 Negotiations during the assessment of this application resulted in additional information provided and site plan amendments made to address consultee comments, regarding location of trees, drainage design, biodiversity net gain, environmental health (land contamination and stability, air quality and electrical charging points), waste storage facilities and collection arrangements.
- 5.2 Also, during the course of the application plans were amended to in minor changes were made to the drawings, including:
- A reallocation of the mezzanine floorspace in unit 2. (The mezzanine office floorspace will increase by 57m² at the expense of the

mezzanine storage area that decreases by the same amount. There would be no increase in mezzanine floorspace overall.)

- Removal of an internal staircase and associated ground floor access on the proposed southern elevation
- Additional windows at ground and first floor on the proposed southern elevation
- A small canopy has been included to the main entrance for Units 1, 2 and 3A/B to comply with Building Regulations
- After discussions with Northern Power Grid, the substation has been brought in front of the fence line by the entrance to proposed Units 2 and 3A/B, partly by pushing the fence line back.

5.3 Negotiations have taken place with regards to seeking the necessary financial contributions to the improvement of the surrounding walking and cycling network.

5.4 The applicant has reviewed consultee comments and has queried/disputed some of the proposed wording of the suggested conditions. Negotiations are on-going with regards to these matters.

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 27/02/2019).

Kirklees Local Plan (2019):

6.2 Relevant Local Plan policies are:

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP7 – Efficient and effective use of land and buildings
- LP8 – Safeguarding employment land and premises
- LP9 – Supporting skilled and flexible communities and workforce
- LP13 – Town centre uses
- LP19 – Strategic transport infrastructure
- LP20 – Sustainable Travel
- LP21 – Highways and access
- LP22 – Parking
- LP23 – Core walking and cycling network
- LP24 – Design
- LP27 – Flood Risk
- LP28 – Drainage
- LP30 – Biodiversity and Geodiversity
- LP32 – Landscape
- LP33 – Trees
- LP38 – Minerals safeguarding
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land

Supplementary Planning Guidance / Documents and other documents:

6.3 Relevant guidance and documents are:

- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
- Highway Design Guide (2019)
- Kirklees Economic Strategy (2019)

National Planning Policy and Guidance:

6.4 The National Planning Policy Framework (2019) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal.

6.5 Relevant paragraphs/chapters are:

- Chapter 2 – Achieving sustainable development
- Chapter 6 – Building a strong competitive economy
- Chapter 9 – Promoting sustainable transport
- 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

6.6 Since March 2014 Planning Practice Guidance for England has been published online.

6.7 Relevant national guidance and documents:

- National Design Guide (2019)

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The planning application was advertised in the local press, neighbour notification letters and by site notices (3no. erected around the site on 16/09/2020). No responses were received.

7.2 After the receipt of additional information and amended plans neighbour notification letters were sent. No responses were received.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:**

Environment Agency: No comments.

KC Highways Development Management: No objection, subject to the imposition of conditions for areas to be surfaced and drained, closure of existing access, method of storage/access for waste, construction access.

KC Lead Local Flood Authority: LLFA support this application subject to minor alterations subject to conditions. Additional information was provided at the time of writing this report and subsequently final comments awaited

Wavin Aquacell Core R BBA Certificate has been received which states a lifespan 'in excess' of 50 years and a suggested maintenance regime.

The LLFA continue to advise the LPA of difficulties of inspection and maintenance of crate storage with sealed membrane design in relation to its obligation to ensure maintenance and management of sustainable drainage for the lifetime of the site. However, we are aware that the LPA has allowed such systems on comparable commercial sites in the recent past. If the Planning Officer is to accept such a structure on a commercial site, he/she must examine the predicted life of the development in relation to the 50 year life expectation of the crate storage and incorporate a replacement into the management and maintenance plan. We advise that a discussion should take place.

We recommend a full maintenance and management plan is required to be executed by a management company under section 106 unilateral undertakings given there are to be separate units on site.

Microdrainage calculations show there is minor flooding in the 1 in 100+30% climate change events. The LLFA advises that some examples are negligible but should try to be addressed if possible, in particular leg 3.000 which is larger in volume. If water in that area can be shown to be safely stored above ground and not run off site this would also be accepted. An adjustment would result in less conditions applied to final response.

It is also noted that general tank sizes are entered into the calculations. For completeness a finalised drawing for both tanks in terms of widths/depths/lengths and quoted void ratios should be submitted. This can be conditioned if necessary.

The inclusion of an oil/petrol interceptor in the design is noted.

A formal risk assessment and method statement for temporary drainage and flood risk/pollution prevention will be required for the construction phase but will be conditioned and can be submitted before commencement of works. This must be a pre-commencement condition given it is part of construction phase management.

Revised drainage strategy was received. This matter will be reported in the agenda update

Health and Safety Executive (Planning Advice Web App): Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Highways England: No objection.

The Coal Authority: No objection, subject to conditions requiring the necessary remediation works and any further remediation works/or mitigation measures to address land instability arising from coal mining legacy and the necessary confirmation of completion.

8.2 Non-Statutory:

Cadent: No comments as no assets are affected.

Transport Strategy and Policy: Given the nature of the development and the proximity to housing, the Council would look to upgrade the following PROW's to Greenway standard: BAT/8/20 and BAT/13/30. The Council could then look to provide a connection from BAT/13/30 across the communal green space to Bemton Grove. This would provide a link to and from the A62 and the housing in this area to the new units. The total length of this upgrade is 400m. Based on a very basic rate of £200 per linear metre, then a contribution would be £80,000. Although the Council could settle on a contribution of £50,000.

KC Building Control: No objection. However, a Building Regulations application will be required for the works.

KC Ecology: Awaiting further comments due to the submission of additional drainage information. However, there is no objection subject to the submitted Biodiversity Management Plan is to be adopted for a minimum period of 30 years to secure a biodiversity net gain in line with Local and National policy.

KC Conservation and Design: No objection. The proposal site is located within an industrial park constructed in the late 20th century. As there are no designated or non-designated heritage assets within the vicinity of the proposal site, I have no comments on this proposal.

KC Economy and Infrastructure: Fully support. The site in question is already in established business and industrial use and falls within a Priority Employment Area designation as per the Kirklees Local Plan. In view of this, the proposal would appear to be compliant with the development plan. The proposal is in a high market demand area for these types of properties and will therefore bring to the market new purpose built premises to assist in meeting this demand whilst replacing old less desirable stock. The Business and Skills team recognise the potential this development will also have in securing jobs whilst supporting the objective of further job growth and assist in bringing about efficiencies and business growth for the area. 'Works Better' is active in this area, supporting residents into employment and the developer and end users are encouraged to bring employment and skills benefits from the development, which would accord with policy LP9.

KC Environmental Health: Awaiting further comments due to the submission of additional information. However, there is no objection, subject to conditions requiring information in relation to air quality, land contamination, noise, electric charging points, external artificial lighting, construction site working times.

KC Policy: No objection. The proposal is for the demolition of existing warehouse and workshop unit and the erection of 3 units with reconfigured access, the applicant has stated that the development will create 125 job opportunities and therefore the proposed use is considered as employment generating and as such is acceptable in terms of policy LP8, provided there is no conflict with the established employment uses in the area.

KC Trees: No objection, subject to a condition requiring tree replacement of any removed dead or diseased tree after five years.

Northern Gas: No objection.

Yorkshire Water: Awaiting further comments due to the submission of additional drainage information. However, previous comments stated that there was no objection subject to the necessary conditions to protect the local aquatic environment and Yorkshire Water infrastructure.

West Yorkshire Combined Authority: No comments.

West Yorkshire Police Designing Out Crime Officer: No objection. It is disappointing to see that the applicant has dismissed security comments due to the cost implications. As previously stated, the rationale behind the recommendations are the crime statistics for this location, therefore, that is the basis for the advice given asking for higher standards of security. As the applicants are unable to invest in the future security of the site and units for commercial reasons, it is asked that the recommendations be forwarded to any future new tenant, so that they have the appropriate advice for the security of their individual units.

West Yorkshire Archaeology Advisory Service: No objection. The West Yorkshire Historic Environment Record has been checked and there are no apparent significant archaeological implications associated with the development of the site.

9.0 MAIN ISSUES:

- Principle of development
- Urban design
- Local amenity
- Highways and transportation
- Flood risk and drainage
- Biodiversity and landscape
- Ground conditions
- Representations
- Climate change
- Other matters

10.0 APPRAISAL:

Principle of development

10.1 Paragraphs 7 and 8 of the NPPF confirm that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 11 indicates that planning decisions should apply a presumption in favour of sustainable development and for decision taking should therefore:

- seek to approve development proposals that accord with an up-to-date development plan without delay; or

- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, grant permission unless:
 - i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

10.2 The NPPF makes it clear that the Government is committed to securing economic growth through the planning process and to help achieve this paragraph 80 of the NPPF states:

“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development...”

10.3 The planning application would result in the redevelopment of an existing employment site within a designated Priority Employment Area (Reference: PEA46). The purpose of the designation is to protect and encourage the provision of uses likely to generate employment.

10.4 This employment area was assessed as part of our PEA Assessment (B&S3) and was considered at the time of assessment as being a large modern site with ample room for HGV manoeuvring and capacity for expansion of existing units. The allocation of land as PEA’s allows for churn and supports the growth aspirations of the small and medium sized businesses (SME’s) established in Kirklees. These existing employment areas will need to be retained if jobs are continued to be provided in locations which are close to residential areas and reasonably accessible by public transport.

10.5 It is understood that 5 persons were employed within the existing garage unit which is now vacant and circa 20 persons are currently employed within the existing warehouse. Supporting information explains that the two existing buildings are no longer fit for purpose for modern business requirements. In addition, the site would be developed more efficiently with the creation of four modern purpose-built units that would be available and marketed for B1c, B2 and or B8 use. Supporting information also explains how the provision of the new units will provide additional employment opportunities for local people and is expected to generate circa 100-150 jobs (on top of construction jobs).

10.6 Therefore, the planning application would positively contribute to the local economy with the potential creation of additional jobs and investment. It is considered that, subject to this proposal not compromising the key sustainable development principles set out in the NPPF, this development is acceptable in principle and in accordance with Local Plan policies LP7 and LP8. However, in accordance with the policy objective, it is considered that the necessary planning condition is imposed to restrict the uses of the employment site so that there is no adverse impact on town and local centres.

Urban design

- 10.7 The proposal is defined in section 3.0 of the report. The application site forms part of a larger urban block surrounded, predominately by warehouses and workshops set within service yards and car parks, some of which benefit from soft landscape treatments. The local area is very much 'commercial' in character, with buildings having a functional appearance, constructed from either brick, metal cladding and glazed panels.
- 10.8 Officers consider the proposed layout of the development makes the most efficient use of employment space of the site, whilst respecting its neighbours. Supporting information explains that by creating three separate units with their own yards and boundary treatment, the scheme will attract a diverse mix of prospective tenants which is important given the development is being undertaken on a speculative basis.
- 10.9 It is understood that the proposed scale, massing and height of the development has been partly dictated by the use and functional requirements of prospective owners. The two larger units, unit 1 and unit 2 have been designed with an approximate eaves height of 11 metres and approximate ridge height of 12.5 metres, with a clear height of 10m to haunch within the warehouse space, allowing for supporting office use at first floor level. Whilst, the small units, units 3A & 3B have been designed with an approximate eaves height of 7 metres and approximate ridge height of 8.5 metres, with a clear warehouse height to haunch of 6.5m. Officers consider the proposed scale, massing and height is acceptable and in keeping with the existing surrounding built environment.
- 10.10 Supporting information explains how the units will be constructed around a steel frame and will utilise similar materials to the buildings in its context. Elevational plans show the use of horizontally laid profiled cladding panels in dark grey at lower level with panels of horizontally laid cladding contrasting in a lighter grey at eaves level with a band of mid grey composite cladding between the two. Feature vertically laid composite panels are shown clad around the entrance area and the office windows to highlight this part of the building. Loading and escape door areas are highlighted by surrounding walls being clad in vertical profiled cladding in mid grey. Supporting information explains how the frontage of the elevations, visible upon arrival at the building, have been designed to frame the entrance and form an aesthetically pleasing feature upon entry to the site and the associated parking areas.
- 10.11 It is noted that the proposal will result in a large-scale building (unit 2) closer to Pennine View and with a blank façade, with limited visual interest and soft landscaping. However, officers consider that overall, the buildings have been well designed and would generally enhance the appearance of the site. Officers recommend that the proposed facing and roofing materials are secured by condition to ensure that the proposed colours and materials reflect nearby buildings.
- 10.12 It is therefore considered that this proposal would assimilate well within this setting and would therefore accord with Kirklees Local Plan policies LP24 and chapter 12 of the NPPF with regard to its design.

Local amenity

- 10.13 With regards to residential amenity, the nearest residential dwellings are sited approximately 140 metres from both the southern boundary of the application site on Moat Hill Farm Drive and the western boundary on Greenacres Drive. Commercial, business and industrial units and associated mature landscaping can be found within these intervening areas. As such, it is considered that there would be no impact on residential amenity in terms of overlooking, overshadowing or over-dominance.
- 10.14 The new buildings would be substantial in size but would be of a scale similar to other commercial premises in the immediate vicinity. The split-level design which involves setting the building into the hillside would help to reduce its visual impact when viewed from Huddersfield Road. To the south there is a proposed Greenway and a Public Right network, with the nearest being a public footpath at Pennine View (Reference: BAT/8/20) located approximately 30 metres from the site's south west corner. The proposed buildings would be visible from this public footpath. The public footpath is already partially characterised by large scale commercial buildings set within service yards and defined by soft landscaping features, of which the site currently contributes. Therefore, it is unlikely that this development would unacceptably affect the users' experience of this PROW.
- 10.15 Given the increase proposed increase in built form on the application site, there would be an effect on the visual amenity of the area. However, it is considered that this impact would be limited to the immediate vicinity and acceptable, given the sites current use and its local context, which already consists of similar buildings that surround the site. Furthermore, officers consider the proposed building design and soft landscape measures could satisfactorily mitigate any associated detrimental effects to visual amenity.
- 10.16 This proposal would result in the intensification of use at the site which potentially could result in additional new/additional noise-generating development in the area. The applicant has submitted a Noise Impact Assessment (NIA) Report, prepared by Hann Tucker Associates, dated 20 August 2020 (Reference: 27701/NIA1). An unattended assessment was undertaken from 1330 hrs on Wednesday 26 March 2020 to 1600 hrs on Thursday 27 March 2020 in order to establish typical noise levels over a typical 24 hour period. Whilst unattended, the dominant noise source contributing to the background sound level was noted to be distant traffic noise from the M62. Noise from the internal activities, delivery vehicles, car parking has been considered and deemed to be low impact. Environmental Health officers have reviewed the report and accept its finding. However, officers consider that as no information is available for any proposed mechanical plant, a suitably worded planning condition is therefore necessary to control any such noise.
- 10.17 During the course of the planning application a plan was submitted showing the proposed external areas of the site that will need to be lit during some or all of the hours of darkness. Inappropriate external artificial lighting can result in unnecessary stray light and glare. A suitably worded planning condition is necessary to ensure that a detailed external lighting scheme is achieved that is appropriate for the intended use without causing unnecessary stray light and glare and is only operated at times when it is required.

- 10.18 During the planning application process, Environmental Health considered the development would be classified as having a major impact on air quality in accordance with West Yorkshire Low Emissions Strategy (WYLES). Therefore, the proposed intensification of commercial use at the site would potentially impact on local air quality. Consequently, the applicant should demonstrate that any impact on air quality associated with this proposal can be adequately offset through the introduction of measures within the development. As such, Environmental Health officers recommended a condition requiring an Air Quality Impact Assessment.
- 10.19 The applicant subsequently submitted an Air Quality Assessment, prepared by Redmore Environmental, dated: 8th December 2020 (Reference: 4137r1), which has been reviewed by Environmental Health officers. The report provides a review of existing air quality and considers the impact of the proposed development on local air quality during both the construction and operational phases.
- 10.20 For the construction phase dust generating activities were assessed in accordance with the Institute of Air Quality Management (IAQM) – Guidance on the Assessment of Dust from Demolition and Construction V1.1 2016 methodology. The report concludes that fugitive dust emissions generated by demolition, earthworks, construction and track out activities are predicted to be not significant, assuming that good practice dust control measures are implemented as detailed in Table 17 – Fugitive Dust Emission Mitigation Measures (page 26) of the report.
- 10.21 For the operational phase a screening assessment was undertaken using the criteria contained in the IAQM – Land-Use Planning & Development Control: Planning for Air Quality guidance to determine the potential of the number of trips generated by the development to affect air quality. The net change in traffic flow as a result of the development was provided by Vectos the Transport Consultants for the project and is predicted to be 160 total daily trips 53 of which are predicted to be HDV movements. The report concludes that this is predicted to be not significant as it does not exceed the AADT HDV flows by 100 on any link. However, as the development is classified as major and in accordance with the WYLES guidance a damage cost calculation has been provided in order to determine the amount (value) of mitigation required to offset the detrimental impact that the development will have on air quality. The calculation was undertaken using the most recent damage costs released by DEFRA in July 2020 and provides a five-year exposure value to the sum of £15,968. A number of mitigation measures have been suggested based on this sum and these have been listed in section 5.4.9 Mitigation (page 31) of the report in addition to a breakdown of costs which have been provided in Table 21 Mitigation Measures and Associated Costs.
- 10.22 Environmental Health officers agree with the findings of the submitted Air Quality Assessment and welcome the amended proposed site plan showing the location of 10 parking spaces where electric vehicle charging points will be provided. As such, it is considered that subject to the necessary conditions securing the necessary mitigation measures and electrical vehicle charging points.

- 10.23 Officers consider that subject to the necessary conditions, this proposal would accord with Kirklees Local Plan policies LP51, LP52 and chapter 15 of the NPPF with regard to its potential impacts on local amenity.

Highways and transportation

- 10.24 The planning application is supported by a Transport Statement, prepared by Vectos Transport Planning Specialists, dated August 2020 (Reference: VN201577).
- 10.25 The site is bounded by Pheasant Drive in the east and south and Pennine View in the west. Access onto Pheasant Drive and the site itself is provided from the A62 Gelderd Road to the north. Pheasant Drive forms two junctions with Pennine View. Pheasant Drive has a carriageway width of approximately 6.8m – 7.0m and footways on both sides of approximately 1.8m – 2.0m. Due to the generous width of Pheasant Drive, Pheasant Drive has unrestricted kerbside. Street lighting is provided at regular intervals. Pheasant Drive and Pennine View are subject to a 30mph speed limit.
- 10.26 The existing industrial unit gains access from a junction with Pheasant Drive, in the south. The existing access has a large kerb radius to assist with the movement of HGV vehicles in/out of the site. The existing workshop (car servicing and leasing garage) in the north-west corner of the application site gains access from two access points off Pennine View. The largest of these access points provides access to the workshop and vehicle servicing area. The smaller of these access points provides access to a hardstanding and staff parking to the rear. Pedestrian access into the site is gained via the footways present on Pheasant Drive and Pennine View. A pedestrian only footpath is situated to the south of the site, to the east of the existing industrial units' vehicular access on Pheasant Drive. Footpaths at the access of Pheasant Drive do not currently extend into the site.
- 10.27 The Transport Statement explains how access (visitor/staff and operational) to Unit 1 would be gained via a priority junction from Pennine View. Access (visitor/staff and operational) to Unit 2 and Unit 3 (3A & 3B) would be gained via the existing junction off Pheasant Drive, to the south of the site. This access will therefore be retained under the proposal, with the existing footways extended into the site. It is predicted that the proposed development would generate 22 additional vehicle trips in the morning peak hour and an additional 13 vehicle trips in the evening peak hour, compared to the sites existing use. It is considered that this level of trip attraction would be well within the daily variations expected in background traffic volume.
- 10.28 Highways Development Management have reviewed the planning application. It is considered that the proposed access arrangements to utilise a satisfactory existing access onto Pheasant Drive and a proposed new access from Pennine View. The proposed new access is considered sufficient in width with appropriate junction radii and sight lines onto Pennine View are acceptable in both directions. Highways Development Management are satisfied with each of the proposed units proposed parking provision (101 spaces in total, including 7 accessible spaces) and service areas. Acceptable swept paths are provided to demonstrate that a 16.5m articulated lorry can access and turn within the site. Swept paths are also provided to both junctions and to each of the servicing areas to the 3 proposed units. Parking accumulation surveys have been undertaken to demonstrate that sufficient off-street parking provisions are provided.

- 10.29 Highways England and Highways Development Management have reviewed the planning application and raise no objections. Highways Development Management consider the proposed level of traffic generation would not cause a detrimental impact upon the operation of the surrounding junctions and highway network.
- 10.30 Highways Development Management have requested planning conditions in relation to areas to be surfaced and drained; closure of existing access; method of storage/access for waste; and construction access. No planning obligations have been requested.
- 10.31 Development Management acknowledge that the proposal is supported by a Framework Travel Plan, which considers the potential for the use of sustainable modes of transport in connection with this proposal. This plan also indicates measures which could be introduced and how they could be implemented to encourage sustainable transport use. It concludes that owing to the existing industrial employment use of the site and the level of industrial employment that is in proximity to the site, the site already benefits from good sustainable infrastructure. Therefore, the existing sustainable infrastructure will allow for sustainable trips to be made by future staff (and possibly customers). Officers agree that the sustainable transport goals can be achieved. However, in accordance with the Highways Design Guide a full travel plan would be required. The full travel plan will ensure that the proposals are fully implemented and monitored in parallel with the development and occupation of the units. Furthermore, the full travel plan will allow for any necessary further actions to be taken within a fiveyear period, once the development is occupied. Officers consider that this could be satisfactorily achieved by the inclusion of a planning condition.
- 10.32 It is also acknowledged that the proposed development would provide an appropriate level of cycle parking based on the actual estimated occupancy of the proposed units (Unit 1: 8 spaces; unit 2: 8 spaces; unit 3: 4 spaces). Officers also acknowledge that the proposed development would provide spaces with an appropriate level of electrical vehicle charging points. Also, it is acknowledged that the proposal would be in close proximity to a frequent bus service on the A62 Geldard Road as well as sited near to a Public Rights of Way network.
- 10.33 Officers consider that subject to the necessary planning conditions, the proposal would accord with policies LP20, LP21 and LP22 as well as NPPF chapter 9. Development Management consider that the opportunity to enhance the nearby core walking and cycling network would be missed.

Flood risk and drainage

- 10.34 The planning application is supported by a sitespecific Flood Risk Assessment (FRA), prepared by Terra 97, dated 16/04/2020 (Reference: 3685). The site is located within Flood Zone 1 and is therefore at low risk of flooding. The FRA has assessed all of the potential sources of flooding. It considers that the site is not at risk of flooding from a major source (e.g. fluvial and/or tidal). Sewer flooding has been potentially recognised as a secondary flooding source. However, this has been considered as low or not significant. The FRA has explained how flooding sources will only inundate the site to a relatively low water depth and water velocity, will only last a short period of

time, in very extreme cases and will not have an impact on the whole of the proposed development site. The FRA concludes that the flood risk to the site can be considered to be limited; the site is situated in Flood Zone 1, with a low annual probability of flooding and from all sources. The site is unlikely to flood except in very extreme conditions.

- 10.35 The Lead Local Flood Authority (LLFA) initially objected to the application and requested further information about the existing surface water drainage infrastructure and further clarification as to how the proposal would fully address Local Plan policy LP28.
- 10.36 Further drainage related information was provided to address the LLFA concerns, including a Drainage Design Technical Note, prepared by XOsquare Limited Consulting Engineers. The Technical Note explains how previous investigations at the site have found that the site is situated over rock. As clay soils have poor infiltration rates, infiltration will be unsuitable at this site. There are no watercourses local therefore, discharge to a watercourse is not viable for the discharge of surface water at this site. As such, plans show the use of attenuation Geocellular attenuation tank features to provide a 30% betterment in into the surrounding surface water sewer at Pheasant Drive at a discharge rate to 58 l/s. The additional information has been reviewed by the LLFA who now do not object to the proposal but have provided further comments as highlighted in section 8 of this report.
- 10.37 The Drainage Design Technical Note explains how all foul water arrangements would be subject to a detailed design and S185 agreement with Yorkshire Water. Plans show that foul water would be diverted and pumped to a connection with a foul water sewer at Pennine View at a rate of 3 l/s. At the time of writing this report, Yorkshire Water had yet to provide further comments but had not objected to the proposal previously, subject to the necessary planning conditions.
- 10.38 Therefore, as there are no objections from the Environment Agency, the LLFA and Yorkshire Water, subject to the necessary planning conditions and obligations that the proposal would accord with Local Plan policy LP27 and LP28 as well as NPPF chapter 14.

Biodiversity and landscape

- 10.39 An Ecological Appraisal, a Biodiversity Management Plan (BMP) and soft landscape proposals, all prepared by FPCR Environment and Design Ltd were submitted with the planning application. During the course of the planning application the BMP and soft landscape proposals were amended in response to KC Ecology comments in demonstrating a biodiversity net gain. The soft landscaping proposals were also revised in response to KC Trees and KC Landscape (verbally). These consultees requested additional tree planting positioned at a suitable distance from the proposed perimeter fencing, for visual amenity as well as management and maintenance purposes.
- 10.40 The majority of the application site comprises developed land which included two buildings and hardstanding. Other habitats present included ephemeral/short perennial vegetation, amenity grassland and a small area of scattered scrub. The trees on site are smaller semimature individuals and of poor quality, therefore they do not meet the criteria for a new Tree Preservation Order to be served.

- 10.41 The Ecological Appraisal explains how the proposal would compromise of already developed land but would result in the loss of the majority of existing habitats within the site. The Appraisal states that given the low to negligible ecological value of the habitats recorded and the proposed habitat creation within the landscaping strategy, the site would deliver a measurable biodiversity net gain.
- 10.42 Officers consider that the proposals would be not result in any significant ecological harm. Subject to the imposition of conditions securing the necessary mitigation and biodiversity net gain, the proposal would accord with Local Plan policies LP24, LP30, LP32 and LP33, as well as NPPF chapter 15.

Ground conditions

- 10.43 A Phase 1 Preliminary Risk Assessment, prepared by Terra97 Ltd, dated 9th April 2020 (Reference: C20315P) was submitted as part of the planning application. The Phase I indicates that there is a potential for contamination to pose a risk to the development due to visual indications of contamination identified on the site walkover. These include chemical drums spilling into site boundary from adjacent land use. The site history appraisal also indicates several historical land uses onsite and offsite which are potentially contaminative such as an industrial estate, colliery spoils and engineering works. The Phase I report findings reflect Environmental Health records for the site, which has been identified on the Council's mapping system as potentially contaminated land due to its previous use (Site reference 63/2). For that reason, Environmental Health and the Coal Authority requested conditions requiring that prior to development commencing an intrusive site investigation is carried out and that adequate remediation measures are implemented to deal with any contamination found and/or any land stability issues addressed.
- 10.44 During the course of the planning application, further information, including Ground Investigation Reports and Remediation Method Statement were received to try to avoid the need for pre commencement conditions. However, consultees found that the submitted documentation was inadequate and have recommended the same pre commencement conditions to address land contamination and land stability.
- 10.45 The application site falls within an area designed as a Mineral Safeguarded Area (Surface Coal Resource with Sandstone and/or Clay and Shale) in the Local Plan. This allocation indicates that there is the potential for these mineral resources to be underlying the site. Officers consider that as there is an overriding need for employment land within the district and as such the proposal can be permitted under clause 1c of Local Plan policy LP38.
- 10.46 It is therefore considered that this proposal accords with Kirklees Local Plan Policies LP38 and LP53 as well as NPPF chapters 11 and 15 with regard to potential contaminated and unstable land and minerals safeguarding issues.

Representations

- 10.47 None received.

Planning obligations

- 10.48 As highlighted in section 8 of the report, the Transport Strategy and Policy team have suggested a financial contribution should be sought towards the local core walking and cycling network. After negotiations with the applicant it has been agreed that a financial contribution of £36,000 would be provided to improve an existing public footpath network (Reference: BAT/8/20 and BAT/8/10). This public footpath can be found immediately south of the site and connects the industrial estate at Pennine View with a residential area at Moat Hill Farm Drive. This would tie into an existing 'greenway' and improve this north/south link between a residential and an (established) employment area. It is considered that this financial contribution would meet the tests set out in paragraph 56 of the NPPF and ensure that the proposal is in accordance with Local Plan policy LP23. It has been agreed that to fit in with the applicant's build programme, a pre-occupation trigger point for payment would be set out within a Unilateral Undertaking.
- 10.49 Previous LLFA comments requested that a full maintenance and management plan is required to be executed by a management company under section 106 unilateral undertakings given there are to be separate units on site. At the time of writing this report the applicant has submitted further information regarding this matter. In addition, they have requested that it be dealt with by planning condition than obligation in accordance with NPPF paragraph 54. Comments have yet to be provided by the LLFA.
- 10.50 The Community Infrastructure Levy (CIL) is not yet adopted in Kirklees, therefore the council is unable to secure contributions at CIL rates at this stage.
- 10.51 The provision of training and apprenticeships is strongly encouraged by Local Plan policy LP9, and as the proposed development meets the relevant threshold (3,500 sq.m. or more of business or industrial floorspace). Officers have asked the applicant to agree to provide a training or apprenticeship programme to improve skills and education. Such agreements are currently not being secured through Section 106 agreements – instead, officers are working proactively with applicants to ensure training and apprenticeships are provided. The applicant has stated that they share the council's desire to support and promote the employment opportunities of local Kirklees residents. The applicant intends to instruct a regional contractor to construct the proposed employment units, but they are being built on a speculative basis and so do not yet know who will occupy the premises. As such, officers have suggested that to maximise opportunities for apprenticeships, the employment of long-term jobseekers, and training that an Employment and Skills Agreement be entered into.

Climate change

- 10.52 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.

- 10.53 It is considered that the proposal would result in modern employment units with the efficient use of an existing industrial site that is already considered to benefit from being accessible by modes of sustainable travel. Supporting information explains how the applicant has considered how to maximise natural light through roof lights; conservation of energy through the use of building materials; the employment of measures to reduce water consumption; as well as provide employment units with a structural frame that could accommodate PV cells. It is understood that the employment units have been designed to target a BREEAM 'Very Good' rating.
- 10.54 The applicant has submitted a Framework Travel Plan as well as a site plan showing the necessary electric vehicle charging points. Conditions can ensure that these measures are effectively secured to promote low carbon forms of transport which will help to mitigate the impact of the development on climate change. The proposal will deliver a financial contribution towards the enhancement of the Public Right of Way network, which will enable and encourage more local people to walk and cycle to and from the site. All these measures will help to promote sustainable travel measures, including by staff of the proposed development.

Other matters

- 10.55 During the course of the planning application, the West Yorkshire Police Designing out Crime officer requested a number of security enhancements to the proposal to prevent and deter commercial burglaries. The officer initially requested planning conditions in relation to fencing and gate types, locking systems, security specifications of the buildings, vehicle restrictions, location of cycle shelters, and CCTV systems. The applicant stated that such conditions would be contrary to the tests set out in NPPF paragraph 54-56. The applicant explained that the proposed security fencing and wall construction is designed and regularly used in industrial estates throughout the Country and there is no basis for requiring a higher and more expensive specification in this case. The applicant has also stated that such specifications requested would have a major additional cost implication. The officer has since removed their request for such conditions and request that their advice be passed on to future tenants. Development Management welcome this approach as such security related advice can only be considered to be advisory and security preferences need to be weighed against future landlord and different tenant preferences.
- 10.56 The planning application site falls within the Middle Zone of a hazard site, located at the Tennants Distribution Ltd. Gelderd Road, Birstall. Officers have used the HSE's planning advice web app to verify the Health and Safety Executive (HSE) advice. Based on this web app, the HSE does not advise, on safety grounds, against the granting of planning permission in this case.

11.0 CONCLUSION:

- 11.1 This application site is located within a Priority Employment Area. The principle of efficiently using an existing employment site is considered to safeguard its future use and have the potential to enhance the local economy in accordance with Local Plan policies LP7 and LP8.
- 11.2 The design of the proposed new units are considered to be satisfactory and the development would not appear as incongruous within this particular setting, which has similar structures within close proximity. Furthermore, it is considered that this development would not have a significant detrimental effect on local amenity, the local environment or highway safety, subject to the imposition of the necessary conditions.
- 11.3 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 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. Standard 3 years for implementation
2. Development to be carried out in accordance with approved plans
3. The approval of facing and roofing materials
4. Restriction of permitted employment uses
5. Implementation of agreed Air Quality Mitigation Measures
6. Implementation of agreed Dust Mitigation Scheme
7. Submission of a Phase 2 Intrusive Site Investigation Report
8. Submission of Remediation Strategy
9. Implementation of the Remediation Strategy
10. Submission of Validation Report
11. Noise from fixed plant & equipment shall not exceed background sound levels
12. Installation of the approved electric vehicle charging points (10 parking spaces)
13. Submission of an external artificial lighting scheme
14. Work to be carried out in accordance with the council's set construction site working times
15. Implementation and future maintenance of the approved landscaping scheme
16. Separate systems of drainage for foul and surface water on and off site
17. Submission of an oil, petrol and grit interceptor/separator design
18. Submission of the measures to protect the public sewerage infrastructure
19. Accordance with the approved Biodiversity Management Plan
20. Remediation works and any further remediation works/or mitigation measures to address land instability arising from coal mining legacy

21. Submission of a document confirming the completion of the remedial works and any further remediation works/or mitigation necessary to address the risks posed by past coal mining activity
22. The proposed car parks and vehicle servicing areas shall be laid out surfaced, marked out into bays and drained in accordance with details that have previously been approved
23. Implementation of the closure of the existing access point and construction of the proposed new access points
24. Details of storage and access for collection of wastes from the premises
25. Submission of a construction management plan
26. Submission and implementation of a full travel plan
27. Drainage related conditions (comments awaiting from LLFA)