
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 16-Dec-2021

Subject: Planning Application 2021/91700 Erection of extension to vehicle workshop, engineering operations to excavate and regrade land, formation of extensions to car park and external yard areas, erection of 2.4m high security fencing, external lighting and temporary construction access MAC's Truck Sales Ltd, Crosland Road, Lindley, Huddersfield, HD3 3ZA

APPLICANT

Adrian McDade, MAC's
Truck Sales Ltd

DATE VALID

07-May-2021

TARGET DATE

06-Aug-2021

EXTENSION EXPIRY DATE

30-Nov-2021

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: Lindley Ward

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

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

1.0 INTRODUCTION:

- 1.1 MAC's Truck Sales Ltd is a well-established HGV manufacturer offering a bespoke service of in-house purchasing, production and aftersales care. In 2017, the headquarters of the business was relocated to a new site on the west side of Crosland Road, taking advantage of the proximity to Junction 24 of the M62 following approval of reserved matters application 2016/90613.
- 1.2 This full planning application has been submitted seeking the erection of an extension to the vehicle workshop, engineering operations to excavate and regrade land, formation of extensions to car park and external yard areas, erection of 2.4m high security fencing, external lighting and a temporary construction access.
- 1.3 It is brought to the Strategic Planning Committee in accordance with the Council's Scheme of Delegation as a non-residential development with a site area in excess of 0.5 hectares.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is a part of the wider Local Plan allocation MX3 and has a total area of 3.22 hectares, of which 1,764 m² is covered by the existing vehicle workshop and adjoining two storey office block. To the west of the workshop and office building is an area of hardstanding used primarily for the storage of HGVs. To the south is a dedicated car parking area for staff and visitors. The eastern and northern portion of the site remains undeveloped and is not currently utilised by the business but is within their ownership.
- 2.2 To the immediate east of the vehicle workshop and outside the operational boundary of the MAC's Trucks site is a Grade II listed monument known as Haigh Cross (list entry no. 1134307). Directly north of this monument and close to the road junction between Lindley Moor Road and Crosland Road is a Grade II* listed Guide Stoop (list entry no. 1403442).
- 2.3 In addition to this, a series of archaeological investigations have confirmed the presence of a Roman road at the northern end of the site, running parallel to Lindley Moor Road. Full details of this feature and past archaeological investigations are contained within the accompanying Archaeological Assessment.

3.0 PROPOSAL:

- 3.1 This application seeks full planning permission to extend the existing workshop northwards, adding 708 m² of additional floor space in the form of 6 new vehicle bays, while also relocating the existing paint spray booth into the new extension. The size, style and materiality of the proposed extension is proposed to match and integrate with the existing building. The existing building is used as a workshop and office with the surrounding hard standing having a sales function concurrent with its use for the purpose of vehicle storage and manoeuvre. The Use Class of the site is determined to be B2 General Industrial with an ancillary Office (Class E(g)(i)) component.
- 3.2 Alongside the extension of the workshop, it was initially proposed to create 5,717 m² of new yard area and 1,047 m² of additional car parking. The yard area has since been revised down by approximately 10% in area to 5,433 m². The new yard area would be located in two main sections to the north of the existing area of hardstanding and to the east of the proposed workshop extension. The new car parking area is to be comprised of 18 staff vehicle spaces and would line the southern/western boundary of the site, on the south side of the existing site access road. A vehicle washing facility with rainwater harvesting is proposed on the hardstanding between the eastern elevation of the extension and Crosland Road.
- 3.3 The proposed workshop and yard area extensions would necessitate the reconfiguration of the existing 2.4m high green mesh perimeter fencing. This is proposed to be carried out in conjunction with an integrated scheme of soft landscaping and new planting, intended to improve the overall appearance of the development and enhance the immediate setting of the identified heritage assets. Full details of the proposed landscaping and ecological enhancements are contained within the Landscape Visual Appraisal and Biodiversity Net Gain Assessment.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 **2014/62/93136/W** – Demolition of existing buildings, Outline application for Industrial Development (Class B1c B2 or B8) Plot A – (160,000 sq ft./14,864 sqm) with engineering works to form development plateaux, formation of access from Lindley Moor Road, provision of services and drainage infrastructure. Erection of industrial unit. Plot B – (50,000 sqft/ 4648 sqm) unit access from Crosland Road Detailed application (Plot C) for residential development of 252 dwellings with access from Crosland Road, engineering works to create underground attention, provision of open space and landscaping. – Granted
- 4.2 **2016/61/92870/W** – Reserved matters application pursuant to permission 2014/93136 for demolition of existing buildings, Outline application for Industrial Development (Class B1c B2 or B8) Plot A – (160,000 sq ft./14,864 sqm) with engineering works to form development plateaux, formation of access from Lindley Moor Road, provision of services and drainage infrastructure. Erection of industrial unit. Plot B – (50,000 sqft/ 4648 sqm) unit access from Crosland Road Detailed application (Plot C) for residential development of 252 dwellings with access from Crosland Road, engineering works to create underground attention, provision of open space and landscaping. – **Granted** – The industrial

unit has been completed and is operational, however many aspects of the landscaping scheme remain unfinished. However full site details in respect of hard and soft landscaping are covered under this application.

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

- 5.1 Following negotiations, the proposal has been amended to reduce the impact on the listed structures through alterations to the hard and soft landscaping features of the site as well as revisions to the scope and location of proposed boundary treatments.
- 5.2 The amendments included reductions to the size of the proposed yard to provide a slight buffer to the east, re-location of the green v-mesh perimeter fence lower down the slope relative to views from Lindley Moor Road so that it is less visible. A stile has also been proposed in the boundary wall to allow public access to Haigh Cross, with an interpretation plaque proposed on the stone boundary wall adjacent to the Cross. A further alteration to the scheme sees the stone boundary wall re-built around the north-east corner of the site in order to reinstate the historic field boundary and create a backdrop for the listed Stoop.
- 5.3 Officers sought to re-locate the free-standing advertisement for MACS adjacent to the Stoop, however this has been resisted by the applicant given that its location has been subject to an approved advertisement consent application.
- 5.4 Further minor amendments were sought and have subsequently been provided by the applicant in respect of a revised planting plan to include a greater number of half-standard native trees within the scrub mix. This was requested to make an initial visual impact following development and to provide some level of mitigative screening to the new planting areas whilst smaller species develop and gain greater height.
- 5.5 It has also been agreed with the applicant that a condition should be added to provide a lighting scheme for the adjacent PROW footpath (HUD/408/10) agreed with KC Public Rights of Way to enable and encourage sustainable forms of transportation throughout the year, particularly in winter.

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 application site forms part of a Mixed Use allocation in the Local Plan (site allocation MXS3). MXS3 relates to an area measuring 32.16 hectares with an indicative capacity of 41,702m² of employment floorspace and 443 dwellings.

6.3 The following policies within the Local Plan are most relevant to the assessment of this application:

LP1 – Presumption in favour of sustainable development
LP2 – Place shaping
LP3 – Location of new development
LP4 – Providing infrastructure
LP5 – Masterplanning sites
LP7 – Efficient and effective use of land and buildings
LP8 – Safeguarding Employment Land and Premises
LP9 – Supporting skilled and flexible communities and workforce
LP20 – Sustainable travel
LP21 – Highways and access
LP22 – Parking
LP24 – Design
LP26 – Renewable and low carbon energy
LP27 – Flood risk
LP28 – Drainage
LP30 – Biodiversity and geodiversity
LP32 – Landscape
LP34 – Conserving and enhancing the water environment
LP51 – Protection and improvement of local air quality
LP52 – Protection and improvement of environmental quality
LP53 – Contaminated and unstable land

Supplementary Planning Guidance / Documents:

6.4 Relevant Guidance and

- Biodiversity Net Gain – Technical Advice Note (2021)
- Highway Design Guide SPD (2019)
- Development on Land Affected by Contamination – Technical Guidance (2017)

Regional Planning Guidance:

6.5 Relevant guidance and documents are:

- West Yorkshire Low Emissions Strategy and Air Quality and Emissions

National Planning Policy and Guidance:

6.6 The National Planning Policy Framework (2021) 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. Relevant paragraphs/chapters are:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 6 – Building a strong competitive economy
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places

- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

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

Climate change

6.8 On 12/11/2019 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 predates 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.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO), the application was originally advertised as a major development by means of three site notices on 10/05/2021, an advertisement in the local press on 28/05/2021 and by direct neighbour notification to adjoining properties.

7.2 As a result of this consultation, eight letters of representation were received, redacted versions can be found on the council’s website and the concerns raised are summarised below:

- The surrounding area adjacent to MACS factory is an eye sore of overgrown grass. The surrounding area should be landscaped to make the area tidy and to reduce the view of the factory while at the same time enabling their brand to look more professional and maintained.
- The extension will increase the size of the building making it ‘massive’ and will further compromise the resident’s view.
- MACS add to the noise pollution of the area, are a noise nuisance and generally negatively impact the environment of the local area as they leave the trucks running and emit a tannoy at unsocial hours (5.30am).
- Cranes are regularly extended on the site, which negatively affects the appearance of the local area.
- A fallout pipe emits surface water from the site over a footpath and Crosland Road leaving the footpath constantly wet and it is an ice risk in winter.
- Common theme of the development being an ‘eyesore’.
- Loss of greenspace to the proposed development as well as to the cumulative development of previously approved commercial units adjacent.
- Financial impact on houses/house prices next to the site.
- Negative impact of fences on the site in respect of views being ruined.

- Development has already commenced without permission enabling large vehicles to be parked close to the representor's property and be visible from their property due to the southern car parking area being used for HGVs instead.
- Increase in traffic and disruption of residential area.
- HGV's left with their engines on idle creates an air quality issue across the south western footpath. Concerns raised in respect of the impact upon respiratory issues and allergies for adjacent housing. Suggestion made for trees to be planted to absorb the fumes or for a concrete barrier to be erected to contain the fumes on site.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways: No objections subject to condition

KC Highway Structures: No objections subject to condition

Highways England: No objection

Local Lead Flood Authority: No objections subject to conditions

Yorkshire Water: No objections subject to conditions

Historic England: Seek views of KC Conservation section

The Coal Authority: No objections subject to conditions

Calderdale MBC: No response

8.2 Non-statutory:

KC Waste Strategy: No response

KC Environmental Health: No objections subject to conditions

Yorkshire Wildlife Trust: No response

The National Amenity Societies: No response

KC PROW (Footpaths): No objections

KC Building Control: Advisory/Footnote comments provided.

KC Crime Prevention: Advisory/Footnote comments provided.

KC Trees: No observations

Huddersfield Civic Society: No response

KC Conservation & Design: No objections (advisory amendments requested)

WY Archaeology Service: Objected to the original proposal and advised refusal or a significant re-design. The scheme has subsequently been amended and in the view of Officers it is acceptable to advance the application in line with WYAS's recommended conditions.

KC Ecology: No objections subject to conditions.

KC Landscape: No objections subject to condition

KC Business Economy & Regeneration: No response

9.0 MAIN ISSUES

- Principle of development
- Residential Amenity & Design
- Landscape and Ecology
- Heritage & Archaeology
- Highway/Access
- Drainage
- Ground Risks
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.01 Planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. The starting point in assessing any planning application is therefore to ascertain whether or not a proposal accords with the relevant policies within the development plan, in this case, the Kirklees Local Plan. If a planning application does not accord with the development plan, then regard should be as to whether there are other material considerations, including the NPPF, which indicate the planning permission should be granted.
- 10.02 Given the commercial nature of the proposal, the following Local Plan Policies are applicable in this instance: LP2 – Place Shaping, LP3 – Location of New Development, LP7 – Efficient and Effective use of Land and Buildings and LP8 – Safeguarding Employment Land and Premises.
- 10.03 Kirklees Local Plan Policy LP2 states '*All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below*'. The Huddersfield Place Shaping Statement under LP2 identifies opportunities for growth along the M62, which skirts Huddersfield to the north, while also identifying a challenge to growth in Huddersfield relating to pockets of high unemployment, deprivation and poor health.

- 10.04 The site is located just south of the M62 between junctions 23 and 24. MACS currently employ 49 Full Time equivalent Employees (FTE) on the site and are anticipating increasing this further by 15 FTEs which equates to a 30.6% employment expansion to a total of 64 FTEs. The Planning Addendum submitted in support of the application goes into further detail by stating ‘2 of these new members of staff will be trained to become skilled technicians and the business will continue to build upon its existing apprenticeship relationships with local colleges’. As such, the proposal seeks to build on its existing success at its current location within the Borough in conformity with LP2.
- 10.05 Kirklees Local Plan Policy LP3 requires development to reflect the Spatial Development Strategy while supporting employment growth through the delivery of allocations set out in the Local Plan. The site is located within the Lindley Moor Priority Employment Area (8HA) within an allocated Mixed-Use site (MXS3). The location of the extension upon the existing commercial premises is therefore compatible with the requirements of LP3
- 10.06 In respect of Local Plan Policy LP7 and the need to use land and buildings efficiently and effectively, the policy promotes the adaptation of underused properties provided that they are not of high environmental value. The site is considered a Mid-Altitudinal Grassland Opportunity Zone, but otherwise has no special environmental designation or protection. Details in respect of the development’s ecological impact and contribution to a Biodiversity Net Gain will be covered in more detail below. Nevertheless, KC Ecology have no objections to the proposal and, though there are some minor heritage constraints, the site was allocated and relatively underused across its northern extent. It is felt that the proposed extension strikes the right balance in respect of making effective use of the northern area of the site while respecting the surrounding heritage and archaeological assets. Overall, there are no officer concerns in respect of meeting the requirements of LP7.
- 10.07 The proposal meets the requirements of the Kirklees Local Plan in respect of its location relative to the Spatial Strategy, the expansion of an existing conforming use within an allocated and underused part of the site alongside the potential contribution of the development to an increase in skilled employment within the workforce.
- 10.08 Policy LP8 states the following: ‘Proposals for development or re-development for employment generating uses¹ in Priority Employment Areas will be supported where there is no conflict with the established employment uses in the area.’ As the proposed extension to the workshop building as well as to the vehicle yard and car parking area will be in association with the existing use of the site, no conflict is consequently envisaged with Policy LP8.

¹ The B use class employment uses derived from the Town and Country Planning (Use Classes) Order Guide 1987 (as amended). These are:

B1 Business

(a) Offices (other than those that fall within A2 (Professional and Financial Services))

(b) Research and Development of products or processes

(c) Light Industry

B2 General Industry

B8 Storage and Distribution

- 10.09 In respect of the NPPF, paragraph 81 states that 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, considering both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.
- 10.10 Further to NPPF paragraph 81, the supporting Planning Policy Statement by the applicant's agent justifies the development as follows:

The expansion and diversification of MAC's Truck Sales Ltd in recent years has meant that the existing workshop facility, despite being built in 2017, does not meet the capacity needs of the business. It is also recognised that the expansion of the facility would offer an opportunity to introduce more efficient manufacturing techniques, which in turn will reduce the business' carbon footprint. It is the applicant's intention to combine these improvements in manufacturing efficiency with further positive projects such as rainfall recycling and the development of electric (battery powered) commercial vehicles, which is deemed to be essential to the future of the business and the industry at large.

- 10.11 Though no specific details are given to outline the manufacturing innovations, subsequent carbon reduction or the specific rainfall recycling and electric vehicle development projects highlighted above, the proposal reflects the willingness of a local business to invest in the Borough and to expand its operations in order to meet its needs with the potential to provide productivity gains in the long term. As the NPPF instructs that significant weight should be attributed to this set of circumstances, and there are no material issues in respect of the sustainable growth policies of the Kirklees Local Plan previously discussed, the principle of development is acceptable subject to the remaining main issues to be appraised below.

Residential Amenity & Design

- 10.12 The southern car park extension is, on average, 21m from the rear boundaries belonging to the residential properties on Anvil Court (10-34). The principle elevation of 12 Haigh Close is most proximate to the eastern edge of the car park extension at 24m and is separated by the highway formed by Crosland Road. The curtilage of the nearest dwelling (34 Anvil Court) to the south west of the workshop extension is approximately 124m with the new hardstanding located even further away. The proximity of the eastern hardstanding to the nearest residential property (1 Haigh Way) is approximately 65m with a similar distance experienced by The Bungalow further north on the opposite side of Lindley Moor Road. By consequence the development is predominantly located across the site's northern aspect, significantly distant from nearby residential properties whilst set into the hillside given the need for the building to maintain a level floorplate relative to surrounding topography. There are therefore no concerns of the development being capable of overshadowing, overbearing or overlooking nearby residential properties given the ample separation distances evident between the proposed development and residential areas further south as well as the singular bungalow situated on the other side of Lindley Moor Road.

- 10.13 Though the scale and height of the extension and new hard standing are not of insignificant proportions, Officers' do not consider the building or the hardstanding to be of a 'massive' size and the development is arguably less intrusive on the surrounding landscape than the adjacent housing development – this will be assessed in further detail in the landscape and ecology section below. Similarly the existing building approved in 2016 is of a neutral grey colour palette and though representors express an opinion of the building being an eye-sore, this is subjective and on balance it is considered that the proposed materials (those being Kingspan composite cladding in Spectrum Metallic Silver for the elevations and Kingspan trapezoidal cladding to the roof) are acceptable as they are high quality and will match the existing materials enabling the extension to tie-in to the existing workshop. Meanwhile the proportions of the extension match the scale of the existing in respect of height and width.
- 10.14 In respect of noise, and as the application includes an intensification of use and the relocation of existing facilities elsewhere on-site it is possible, though potentially unlikely given that activity is directed further north within the site, that existing nearby residential amenity may be negatively impacted by noise during the operational phases of the development. Whilst there may be noise associated with this development, the original outline permission to which this development will be attached was subject to a condition requiring details of a sound insulation scheme and a similar condition is proposed to be attached to this application subject to approval my members. The noise survey is expected to assess all the noise emissions from the proposed development, provide details of the existing background and predicted future noise levels at the boundary of the development as well as the mitigation measures required where necessary. It is considered that the submission of such details and the inclusion of mitigation where necessary would ameliorate for adverse noise impacts that may be created once the site operations expand. The site has been operational for a number of years and KC Environmental Health colleagues have confirmed that there is not a history of noise complaints being received by the Council from adjacent residential properties with respect to MACS Trucks operations. Consequently, the introduction of the condition is a pro-active response to ensure that residential amenity is preserved in the unlikely event that noise emitted from the application site reaches a level that becomes unsociable.
- 10.15 With regard to issues that could arise during the construction period, the submitted documents do not include a Construction Environmental Management Plan (CEMP). A condition for a CEMP is consequently necessary to ensure that all reasonable steps are taken to minimise and mitigate adverse effects from construction noise that may impact nearby residential amenity.
- 10.16 In respect of Heavy Goods Vehicles occupying the newly formed area in the southern part of the site, which is indicated on the submitted plans for employee and customer car parking, a condition is recommended to be added to an approved application to ensure that the area is restricted to these personal vehicles only to prevent HGV parking. This would ensure that residential amenity is preserved given the proximity of this area relative to adjacent residential properties and the increased noise levels that larger vehicles generate.

- 10.17 In terms of external lighting and light pollution, a document titled *Electrical Services – Design Criteria by RBS dated November 2016* (ref: 16059-3) has been provided. Environmental Health have assessed the report and found that it indicates that the external service yard and car parking areas would be served with lighting with an average illuminance of 20 lux with 30% uniformity ratio through column and building mounted metal halide luminaires. Pedestrian areas will be provided with a minimum illumination of 5 lux with 25% uniformity. Floodlights in the service area will be positioned to provide an average of 150 lux in the front of the workshop doors. The report notes all external lighting except safety and security will be automatically switched off at 2300 hrs to 0700 hrs. However, this lighting information does not include sufficient information in relation to glare and stray light. Environmental Health therefore recommend a condition to require further details in this regard to protect the living conditions of nearby residential occupiers.
- 10.18 With respect to the air quality problems emanating from the site raised by one representor, KC Environmental Health have confirmed that the proposed development (Class B2) falls below the following criteria necessary for submission of an Air Quality Impact Assessment (AQIA), the criteria are as follows: The proposal site is <4000 m² (GFA), is not near to a road of concern and is not within an AQMA. Subsequently, the development is not expected to significantly impact local air quality. However, under this guidance there was a requirement for EVCPs to mitigate the impact of the additional 18 car parking spaces.
- 10.19 Nevertheless, given the description of the representation and the composition of the site's expansion (a large proportion is for the parking of various types of vehicles), Officers consider it appropriate to include an Operation Management Plan that focuses on reducing the air pollution contribution of the site relative to nearby receptors (the local residential areas). The content of the condition submission should be to identify the site's impact upon local air quality (i.e. through unnecessary engine idling) and propose measures that enable a reduction of the identified impact.
- 10.20 Overall the proposed development is able to accord with the residential amenity requirements of LP24 – Design, LP51 – Protection and Improvement of Air Quality and LP52 – Protection and Improvement of Environmental Quality through both its proposed design and through recommended conditions by which supplemental information in respect of noise, construction/environmental management, lighting and air quality shall be forthcoming.

Landscape & Ecology

- 10.21 The scheme is supported by a comprehensive landscaping and planting plan as well as a biodiversity net gain metric that serves to improve the appearance of the site above existing levels, while at the same time significantly improving the biodiversity value in respect of on-site habitat.
- 10.22 The effects on the existing landscape fabric within the site will initiate a change in land use from unmanaged grassland to built form and external hardstanding and landscape works. The Landscape Strategy has acknowledged the constraints and opportunities in relation to landscape, visual amenity, local historic features, ecology and drainage. There would be potential for landscape enhancement consistent with management strategies identified in the Kirklees

Local Plan and Landscape Character Assessment. The Landscape Strategy would introduce natural features such as wildflower meadow, hedgerow and woodland adding biodiversity, in keeping with the Local Plan Strategic Objectives. In relation to visual amenity, visual effects (temporary during construction phase and permanent during the operation phase) would occur to the adjacent residential properties of Crosland Road, Anvil Court and Crosland Fold at Year 1. These effects on visual amenity would reduce over time due to the growth of vegetation proposed as part of the landscape mitigation. By Year 15, with the growth of trees, hedgerow, woodland and meadow planting there would be an improved view to that of the existing, with the new planting screening the bulk of the existing built features in addition to the proposed development.

- 10.23 The revised planting plan includes some half standard Betula & Sorbus to improve the initial visual impact and provide a level of mitigative screening within the new planting areas. The species are largely native and landscape conditions would include replacement planting for a period of up to 5 years in the event that any trees became diseased or die within that timeframe. The Landscape Ecology Management Plan (Lemp 0168/V1/SF/August 2021) includes the standard 12-month replacement for any dead dying or diseased plant material and the work schedule includes the 5 year then subsequent year 6- year 25 work schedule.
- 10.24 Given the balance of representations concerned about the loss of open green land as well as the opportunity identified to improve the existing 'overgrown' and untidy grass on the site, the development does indeed reduce the volume of open moorland grass characteristic of the area, however the spaces that are retained are significantly improved and will serve to screen the existing and proposed development from view. As KC Landscape have confirmed that they are content with the landscaping submission supporting the application, the proposal is determined to be acceptable and in accordance with LP24 – Design and LP32 – Landscape.
- 10.25 A Preliminary Ecological Appraisal (PEA) has been submitted to support the application, which is welcomed. Although a PEA is not usually considered sufficient to support a planning application, in this case, no further ecological surveys are required, and a separate Biodiversity Net Gain Assessment has been submitted. It is considered that there is adequate information to allow assessment against national and local planning policy. The PEA concludes no significant impact to biodiversity is expected and therefore, the proposals are determined to be in accordance with LP30 – Biodiversity & Geodiversity. A condition to protect nesting birds during the commencement of work is also included.
- 10.26 Further detail submitted in the Biodiversity Net Gain calculation indicates a 27.97% biodiversity net gain in habitat units and a 100% net gain in hedgerow units' post-development. These calculations have been verified and correlate with the proposed landscaping plans therefore, the development is considered to be in accordance with LP30 Biodiversity & Geodiversity and Kirklees Biodiversity Net Gain Technical Advice Note in respect of the percentage increase in biodiversity habitat created. The creation and long-term management and monitoring schedule of the proposed habitats is to be secured by a condition for a Biodiversity Enhancement Management Plan (BEMP).

10.27 To conclude, the ecological enhancements proposed are determined to accord with LP30 – Biodiversity and Geodiversity.

Heritage & Archaeology

10.28 As outlined in Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

10.29 The approved outline planning permission 2014/93136 shows a landscaped area to the north-east corner of the site which provides a landscape buffer, with the mesh fencing set close to the building at the bottom of the embankment at a lower level than Haigh Cross. The approved reserved matters application 2016/92870 includes a landscaping plan which proposes woodland planting towards the north and east of the site to soften the view of the large industrial building from outside the site on this side. The weldmesh fencing is located at the top of the embankment, behind the woodland planting but close to Haigh Cross. The landscaping plan in this application remains unimplemented. The Design and Access Statement with the current application provides justification for the extension of the building to the north, and the Conservation and Design Team has no comments on this as the impact on the setting of the listed structures is low.

10.30 This current application also proposes to extend the yard to the east of the building towards the site boundary to create a vehicle washing zone, with the yard area also extended to the east near Haigh Cross. The yard extension is justified by the need to expand this growing business in its current location where it is easily accessible from the motorway. KC Conservation Officers accept this justification, but the proposal significantly reduces the potential for soft landscaping and screening to protect the setting of the listed structures and therefore the harm needs to be minimise.

10.31 In the respect of Haigh Cross, the setting of this Grade II listed structure has largely been eroded with the demolition of Haigh Cross Farm adjacent to the monument and extensive developments on the surrounding land which was until recently open fields. The construction of a large industrial unit with weldmesh fencing directly behind the monument has further undermined its context and setting. The Heritage Impact Assessment states that due to the historic loss of physical context and the surrounding development, the setting is now considered to make a neutral contribution to the significance of Haigh Cross. It suggests that enhancements could be made, including providing public access to the monument from Crosland Road, improvements to the soft landscaping, and interpretation panels explaining the history of the Elland Feud.

10.32 A stile has since been proposed in the boundary wall to allow public access to the cross, with an interpretation plaque on the monument. Locating the plaque on the stone boundary wall adjacent to the stile will be a more suitable and a more visible location and a condition is recommended to ensure that the plaque is sited appropriately as recommended by KC Conservation.

- 10.33 The Grade II* listed Guide stoop has been relocated several times in the past at the junction between Lindley Moor Road and Crosland Road. It is now situated on the north-east corner of the site. It was previously set in front of a drystone boundary wall which gave it some degree of separation from the field behind but this wall has since been removed. The Heritage Impact Assessment suggests that improved soft landscaping around the stoop could enhance its setting and create a more attractive context, and a revised landscaping plan included a grassed area around it. However, the Conservation and Design Team consider that this will only slightly reduce the harm to its immediate setting and following further negotiations a final amendment has been made to rebuild the stone boundary wall around the north-east corner of the site to reinstate the field boundary and create a backdrop for the Stoop . This will provide the Stoop a degree of separation relative to the development behind it to the south. KC Conservation also indicate that the sign set to the rear of the stoop harms the heritage asset's setting. However, the sign has been subject to a permitted advertisement consent and although its appearance/design is contrary to what was approved, this would be subject to separate consideration through planning enforcement.
- 10.34 More generally the size of the proposed yard has been reduced by approximately 10% to provide a slight buffer along the eastern boundary. Furthermore, the mesh fence around the yard area has been relocated from the top of the slope to lower down the embankment where it would be less visible. Both amendments contribute to an overall improvement to the setting of the listed buildings as well to the roman road that crosses the northern part of the site and are welcomed by KC Conservation by consequence.
- 10.35 The West Yorkshire Archaeology Advisory Service considered the original proposed development to be in conflict with both national and local planning policy and request that the application be substantially redesigned or refused to ensure the preservation of significant archaeological remains. However, they also state that if permission is granted contrary to their recommendation, then the West Yorkshire Archaeology Advisory Service request a condition that all ground works are subject to an appropriate level of archaeological observation and recording (a strip and record excavation and watching brief). Previous archaeological evaluations were predicated on the preservation of the Roman road. Experience has shown that this is by no means assured and a full understanding of the historic landscape in this location should now be secured before further evidence is lost piece meal.
- 10.36 The proposed [temporary] vehicle access adjacent to the Roman road is not determined by WY Archaeology Service as being acceptable from an archaeological perspective and would likely contribute to further harm and loss of the road's archaeological potential and significance of the Class II area of Archaeological Interest. If permission is granted and it includes this route, then an archaeological record (an excavation) is to be conditioned along with further public benefits such as reconstruction and interpretation of the road and community involvement alongside the archaeological investigation. Officers consider this latter aspect the most appropriate route forward in respect of the construction access and the condition will be included on the recommended decision.

10.37 The development's impact upon the listed structures and the roman road is considered to negatively impact upon their historic and aesthetic value in some respects. That being said, and in the context of NPPF Paragraph 202, the harm is considered to be less than substantial given the improvements to the setting of the Stoop through the re-introduction of the stone boundary wall and the communal and evidential improvements to Haigh Cross with the erection of a stile, an information panel as well as an enlarged wildflower sown lawn to provide a visual backdrop to the Cross. Indeed, the latter secures the optimum viable use for Haigh Cross as a way of communicating its significance to local people in accordance with NPPF Paragraph 202. Likewise, the public benefits of the extension through the provision of 15 further FTEs outweighs the less than substantial harm inflicted upon the Roman Road while enabling further archaeological investigation of the road, which would possibly not otherwise come forward.

10.38 In summary, Officers recognise the concerns of the WY Archaeology Service. However, it is not felt that the less than substantial harm potentially incurred to the adjacent Roman Road is sufficient to warrant refusal of the application in this instance as the harm that may be inflicted is significantly outweighed by the clear public benefit of sustainable economic expansion and employment opportunities that the development provides. Moreover, the KC Conservation and Design Team similarly accept the justification provided for the proposal in balancing the desire to preserve the special architectural and historic interest of adjacent heritage assets against the public benefits of sustainable business expansion enabled by the development. The development is consequently found to be in conformity with the requirements of LP35 – Historic Environment as well as Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 and Paragraph 202 of the NPPF.

Highway/Access

10.39 Crosland Road is subject to a 30mph speed limit at the site access – this increases to 40mph just to the north of the access junction and continues up to and including Lindley Moor Road. Both roads are two-way single carriageways with a system of street lighting and footways provided in accordance with current road standards. The site benefits from a 53-space car park, and it is intended that this is increased by 13 spaces to 66 spaces in total as part of the development. A Transport Statement provided by Via Solutions gives detailed justification for the proposed off-street parking levels using the travel behaviours of existing staff.

10.40 The supporting documentation states that, '*Five of the spaces in the existing car park will be retro fitted to allow the charging of electric / hybrid vehicles.*'. However, no information has been received in relation to the electric vehicle charging specification. 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 subject to approval of the application by members.

- 10.41 Details of a temporary construction access have been provided and visibility splays of 2.4m x 120m are presented on the submitted plans. This proposal remains acceptable from a highway perspective, and this has been confirmed by KC Highways.
- 10.42 The site will largely retain the use of the existing access which was designed and subsequently approved under the previous planning applications on the site. The access is determined to be sufficient to handle the volume and type of traffic generated by the use. However, given the alteration to the internal embankments within the site to enable the development to be erected, KC Highways Structures have recommended a condition that details the cross-sectional information together with the proposed design and construction of the new embankments to ensure that the integrity and safety of both Crosland Road and Lindley Moor Road are maintained.
- 10.43 In respect of a perceived increase in disruption from the site following development of the proposal, this is not anticipated to be significant. The transport statement indicates that the majority of staff arrive and depart outside the normal network peak hours and therefore have a negligible impact on the operation of the local highway network. The method of operation of the site is such that very few people (perhaps 2 -3 per day) call to collect or view vehicles. It has been shown that the proposed extension of the building is likely to generate about 10 additional journeys to work in a car and most of these would be outside the network peak periods. When this level of traffic is distributed on to Crosland Road to the north and south, the offsite impact of these vehicles on the safe operation of the local highway network is neither material nor significant and certainly no more than could be expected from the daily fluctuations in traffic flows that will exist. Similarly, the current level of parking provision on the site is considered sufficient to meet the demands of staff and customers / visitors additionally.
- 10.44 Further to the above, KC Highways Development Management have highlighted a lack of lighting on the shared use facilities installed as part of the previous permission on the land that forms part of Public Right of Way HUD/408. There is potential intensification of use of this facility, and Highways DM officers wish to encourage sustainable transport methods. It is also deemed that the needs of people with disabilities, and the elderly should be taken into account as an integral part of the design process. As such, consideration should be given to providing a system of lighting on this shared use footway via consultation with the Council's PROW department and this requirement has been added to the recommended lighting scheme condition.
- 10.45 In light of the above and conditions recommended therein, the proposed development is determined to be acceptable in respect of transport safety and the development's impact on the transport network. The development is consequently found to be in accordance with LP20 – Sustainable Travel and LP21 – Highways and Access of the Kirklees Local Plan.

Drainage

- 10.46 The development has been submitted with a supporting Flood Risk Assessment prepared by Haigh Huddleston & Associates (Report dated March 2021) which identified that the site has a previously agreed surface water attenuation plan. Both the LLFA and Yorkshire Water have reviewed the submission and have provided their comments which are as follows:

- 10.47 In summary, the report states that foul water will discharge to the public foul sewer, that the sub-soil conditions are unlikely to support soakaways, but such a design may be feasible subject to further investigation otherwise surface water will discharge to a culverted watercourse via attenuative underground storage with restricted discharge subject to LLFA requirements.
- 10.48 Given the scope of the proposal, a detailed assessment of the increased hardstanding and installation of an increase in attenuation for the 1 in 30-year critical storm event with an appropriate allowance for climate change is required. A choice of incorporating the critical 1 in 100 year + climate change event in underground attenuation or safe above ground storage should clearly be demonstrated. Any additional hardstanding falling toward Crosland Road that cannot drain by gravity to the existing attenuation system should be attenuated to the minimum Kirklees design requirement of 3l/s as shown on indicative plans. Connections of land drainage to the northern watercourse under Lindley Moor Road have been accounted for in the original agreement that imposed discharge restrictions from the hardstanding. Connections for land drainage are therefore sanctioned. Local drainage networks must also be protected during the construction period.
- 10.49 Given the need for further information in respect of surface water drainage, both the LLFA and Yorkshire Water have recommended conditions that require full foul and surface water land drainage details to be submitted prior to commencement of the development and implemented once those details are agreed. There is also a requirement for the foul and surface water drainage to be separate, for the points of discharge to be agreed as well as details of the means satisfactorily draining the site during the construction site in conjunction with a risk assessment of its implementation.
- 10.50 Overall the proposed development is recommended for approval subject to conditions requiring the above details and therefore the proposal is considered acceptable and in line with LP28 – Drainage and Chapter 14 of the NPPF.

Ground Risks

- 10.51 Development on land that is unstable, currently contaminated or suspected of being contaminated due to its previous history or geology, or that will potentially become contaminated as a result of the development, will require the submission of an appropriate contamination assessment and/or land instability risk assessment.
- 10.52 The following documents have been submitted in support of the application:
- A Phase 1 Geo-environmental Report by Haigh Huddleston dated April 2021 (ref:E21/7818/R001)
 - A Coal Mining Risk Assessment by Haigh Huddleston dated 8th April 2021 (ref:E21/7818/MD/L001)
- 10.53 From the Phase I report, KC Environmental Health Officers state that it is apparent that there have been potentially contaminative uses on the site (and/or adjoining land) which could impact upon the development and/or the environment. For that reason, conditions relating to an intrusive investigation and subsequent ground remediation where required are necessary to ensure safe habitation of the development for future employees/staff members.

- 10.54 In respect of coal mining legacy risks, The Coal Authority have responded to planning consultation and consider the site a Material Consideration. The application site falls partly within the defined Development High Risk Area; therefore, within the site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The Coal Authority's information indicates that two coal seams are conjectured to outcrop at or close to the surface within the northern part of the site. These seams may have been subject to unrecorded mining activity in the past.
- 10.55 The planning application is accompanied by a brief Coal Mining Risk Assessment report (8 April 2021, prepared by Haigh Huddleston & Associates). Based on a review of relevant sources of coal mining and geological information, the submitted report concludes that shallow coal is potentially present beneath the site, which may have been worked in the past.
- 10.56 The Coal Authority agree with the recommendations of the Coal Mining Risk Assessment report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development. The LPA Case Officer has considered The Coal Authority's advice and has included their recommended condition and accompanying comments in their recommended decision to members. The development is subsequently determined to be in accordance with LP53 – Contaminated and Unstable Land - of the Kirklees Local Plan

Representations

- 10.57 To date, a total of 8 representations have been received in response to the council's consultation and subsequent re-consultations. The material considerations raised in comments following publicity of the application have largely been addressed in this report, including those related to residential amenity (noise, air quality etc), design (scale, appearance etc), and transport (unsocial parking) concerns. The list below and subsequent responses are matters that either fall beyond the scope of planning legislation or which are not determined to be material considerations.

- Financial impact on houses/house prices next to the site.

The impact of development on property or other asset prices is not a material planning consideration that can be reviewed by the LPA – this position is supported by a significant body of case law.

- The extension will increase the size of the building making it 'massive' and will further compromise my view.

The scale of the building has been reviewed in the Residential Amenity & Design Section above. The point relating to a view is again not a material planning consideration which is also supported by Case Law on this specific topic.

- Fall-out of water onto the public footpath and highway is a safety risk.

The pre-existing issue of water being discharged from the site onto the highway should be reported to the Kirklees Highways department for investigation. The matter is not something that falls under the remit of the Town and Country Planning Act 1990 unless a formal Planning Enforcement case is raised and it is found that a breach of condition has been committed.

- Cranes are regularly extended on the site, which negatively affects the appearance of the local area.

The presence of extended cranes is not a permanent feature given that the cranes are able to be moved therefore the cranes' impact on the appearance of the area is temporary, limited and not of concern.

Other Matters

10.58 There are no other matters

11.0 CONCLUSION

11.1 The proposal is a sustainable development that will be advantageous to the local economy. The development will incur some minor harm to adjacent heritage assets, but this is determined to be less than substantial and outweighed by the aforementioned public benefits to the local economy. The site shall also benefit the environment in that it will enable a significant improvement to biodiversity habitat despite a large proportion of the site being given over to hard-standing as the proposal is accompanied by a comprehensive landscape scheme.

11.2 Outstanding details remain in respect of drainage, ground risks and archaeology, however these points of fact do not preclude the development from being recommended for approval to members as they are not deemed to be insurmountable and are able to be covered by appropriately worded conditions.

11.3 This application for extension to an existing commercial premises to enable business expansion within the Borough is recommended for approval by Officers subject to a member decision at Strategic Committee.

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

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and documents.
3. Submission of a Construction (Environmental) Management Plan. (Pre-commencement)
4. Car park surfacing to be implemented prior to use of development.
5. Highway retaining structure details (Pre-commencement)
6. Submission of foul and surface water drainage details (Pre-commencement)
7. Submission of temporary drainage details (Pre-commencement)
8. No piped discharge of surface water until satisfactory outfalls agreed

9. Southern hard-standing area to be restricted to the parking of personal vehicles only (i.e. not Heavy Goods Vehicles)
10. Coal Mining Intrusive Site Investigations(Pre-commencement)
11. Coal Mining Investigation report prior to the development being brought into use.
12. Phase 2 Contaminated Land Site Investigation Report (Pre-commencement)
13. Remediation Strategy works and potential for revision subject to site discovery.
14. Remediation Strategy submission and implementation and conducted by a suitably competent person as well as submission of a validation report.
15. Noise Assessment (Pre-commencement)
16. Lighting Scheme including PROW illumination
17. Electric Vehicle Charging Points
18. Archaeology Written Scheme of Investigation (Pre-commencement)
19. Protective Archaeological Fencing (Pre-commencement)
20. Temporary Access and Archaeological Investigation
21. Nesting Bird Protection
22. Submission of a Biodiversity Enhancement and Management Plan
23. Approved landscaping scheme details, Landscaping implementation timescale (within the planting season following completion of development) and 5 year maintenance period
24. Development to be constructed of matching materials.
25. Boundary wall details
26. Operation management plan with a focus on reducing unnecessary air pollution.

Background Papers:

Application and history files.

Website link to be inserted here

Certificate of Ownership – Notice served on/ or Certificate A signed: