
Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 10-Aug-2017

Subject: Planning Application 2017/91502 Demolition of existing store and erection of extension to manufacturing unit (Part-retrospective) Whiteford Felt and Fillings Ltd, Clough Mill, Grove Street, Longwood, Huddersfield, HD3 4TH

APPLICANT

J. D. Edge, Whiteford Felt
and Fillings Ltd

DATE VALID

03-May-2017

TARGET DATE

28-Jun-2017

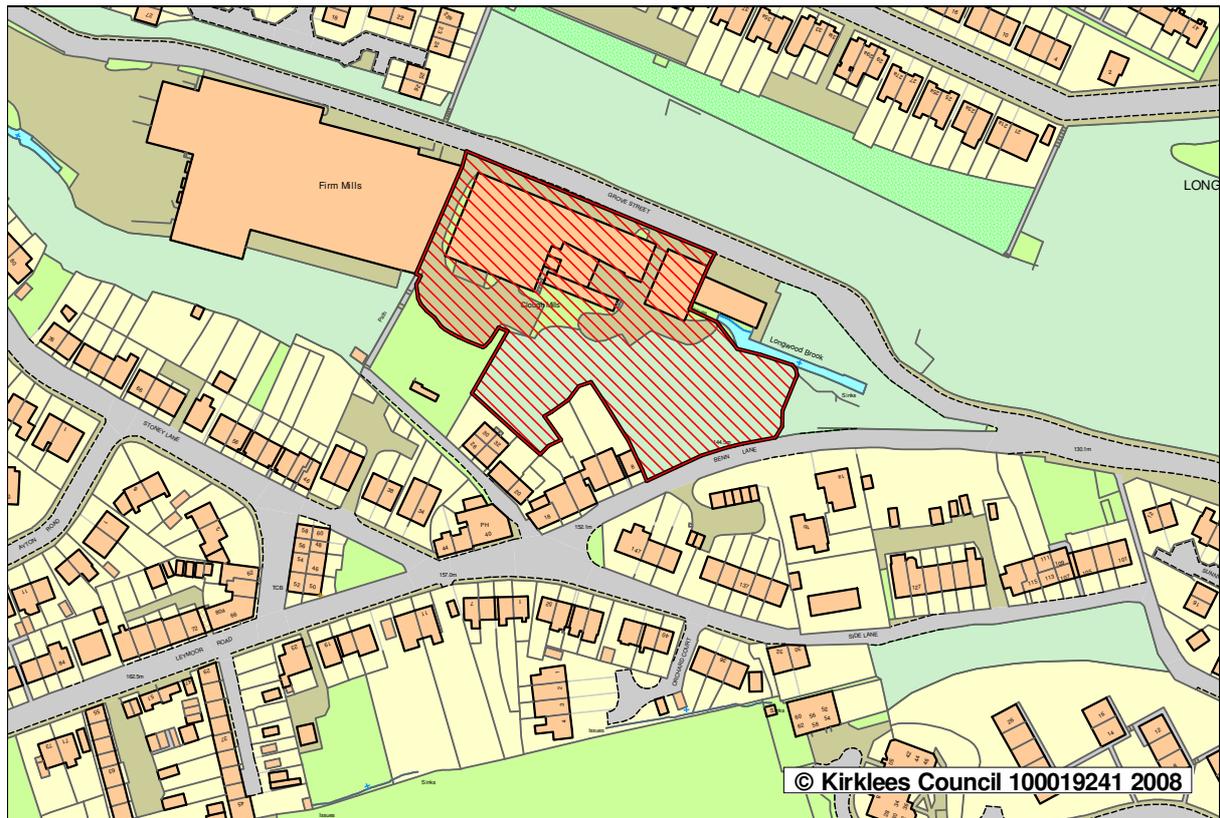
EXTENSION EXPIRY DATE

12-Jul-2017

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: Golcar

Y/N

Ward Members consulted
(referred to in report)

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.

1.0 INTRODUCTION:

- 1.1 Following a site visit it was noted that significant excavation works had taken place in order to facilitate the building works. The proposed development is therefore, part-retrospective in nature. The application is presented to Strategic Planning Committee due to the size of the application site that exceeds 0.5 ha for non-residential development.

2.0 SITE AND SURROUNDINGS:

- 2.1 Clough Mills, located off Grove Street at Longwood, houses a manufacturing business which produces felts and fillings. The site comprises of a principal two storey and single storey stone constructed factory building, together with a smaller stone constructed building which both front directly onto Grove Street.
- 2.2 The site is served by three vehicular access points; one either side of the principal factory building and one within the factory building itself. To the rear of the factory is a yard area which is approximately divided into two halves as a result of the topography of the area, with the lower half containing a brick building and the upper half being a hard surfaced area for deliveries.
- 2.3 To the rear of the yard is a steep wooded bank, beyond which are neighbouring residential properties. The surrounding area is mixed use with commercial and residential properties and the site is unallocated on the Unitary Development Plan Proposals Map.

3.0 PROPOSAL:

- 3.1 The application seeks full planning permission to extend the existing manufacturing unit to provide additional facilities. To accommodate the extension, the existing brick building would be demolished.
- 3.2 The proposed extension would be positioned to the rear of the existing building and have a total width of 35m with a height to ridge of 7.7m. The building is to be constructed of brick up to 2m with cladding panels covering the remainder of the building and roof lights/clear panels within the roof space.
- 3.3 In order to facilitate the proposed building, it is proposed to excavate part of the bank to the rear of the site and provide a retaining wall element. This involves the removal of a small number of trees.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2001/90382 – Demolition of existing buildings and erection of extension to factory – Conditional Full Permission
- 2001/92153 – Demolition of existing buildings and erection of extension to factory – Conditional Full Permission

2013/93212 – Outline application for extension to manufacturing unit - Approved

5.0 PLANNING POLICY:

- 5.1 The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).
- 5.2 The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).
- 5.3 The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees
- 5.4 The site is unallocated on the UDP proposals map. It is also unallocated within the emerging Local Plan but part of the site, the southern half is designated 'woodland'.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

5.5 Kirklees Unitary Development Plan:

D2 – Unallocated Land
BE1 – Design principles
BE2 – Quality of design
T10 – Highway Safety
EP4 – Noise sensitive development
NE9 – Retention of mature trees
B5 – extension to business premises

Kirklees Emerging Local Plan:

PLP1 – Presumption in favour of Sustainable Development
PLP3 – Location of New Development
PLP7 – Efficient and effective use of land and buildings
PLP8 – Safeguarded Employment Land and Premises
PLP19 – Strategic Transport Infrastructure
PLP20 – Sustainable Travel
PLP21 – Highway Safety and Access

PLP22 – Parking
PLP24 – Design
PLP27 – Flood Risk
PLP28 – Drainage
PLP30 – Biodiversity and Geodiversity
PLP33 – Trees
PLP35 – Historic Environment
PLP52 – protection and improvement of environmental quality.

- 5.6 The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

NPPF – Building a strong competitive economy
NPPF – Meeting the challenge of climate change, flooding and coastal change
NPPF – Conserving and Enhancing the Natural Environment

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised by neighbour letter and site notice. A total of two objections have been received concerning the following issues. The comments are addressed in the report unless otherwise stated:
- This company are cutting down trees beyond the area for which they have planning permission.
 - There are also a couple of points from the application I would like to raise. The first relates to the requirement from the Outline Planning application for the background noise to be 5dB below background noise and details of how noise will be mitigated. As a resident of Benn Lane, we have recently been subjected to the foundation works starting regularly at 7am on a Saturday morning, so any industrial use is likely to be same when the building is fully operational.
 - The agent states that 'The design of the new premises will seek to incorporate, where practicable, standards to satisfy the above criteria' for reducing noise levels. This is a very vague statement and I would like to know how sound insulation will be used. I would also like to see a condition on the application for another noise study to prove that noise levels from the industry are below the 5dB of the background noise.
 - I have also noted that propose to use the existing 11 car parking spaces at the front of the building for new employee parking. As a local resident I would like to highlight these parking spaces are regularly already in use, either by staff or for deliveries. If extra staff are to use these spaces as parking then I fear that many will end up parking on Grove Street or deliveries will be made directly off Grove Street. This could create a dangerous situation with a blind corner at the bottom of Benn Lane not too far away. It could also provide the exact same problem that is evident at Wooltex on Dale Street, since their extension was completed, in that at many times during the day when

deliveries are being made, lorries are parking or blocking Dale Street, restricting traffic flow and causing sightline issues for car drivers trying to pass the obstruction. I would therefore like to see either traffic restrictions introduced along Grove Street to prevent this issue, or additional parking provided.

Officer Response – Highways have assessed the impact of the proposed extension on the wider highway network and raise no objections. There are currently no restrictions on the hours of operation and the proposed extension would not significantly alter the level of employment on the site at any one time.

7.0 CONSULTATION RESPONSES:

7.1 Statutory:

The Environment Agency – No objection. The information submitted in the FRA is considered satisfactory and the Environment Agency no longer objects to the proposed development. The developer may however wish to consider including measures to mitigate the impact of more extreme future flood events. Measures could include raising ground/ finished floor levels and/ or incorporating flood proofing measures.

7.2 Non-statutory:

K.C Highway Services – No objection.

K.C Environmental Services – No objection subject to the imposition of appropriate conditions concerning noise and contamination.

K.C Strategic Drainage – Confirm that the watercourse crossing the site is a watercourse and consultation with the Environment Agency over works over or close to is necessary.

K.C Conservation and Design – No objection.

K.C Ecology – Further detail is required in order to demonstrate how the Kirklees Wildlife Habitat Network should be maintained.

8.0 MAIN ISSUES

- Principle of development
- Impact on Highway Safety
- Visual Impact
- Residential Amenity
- Impact on Ecology/Trees
- Drainage and Flood Risk
- Conclusion

9.0 APPRAISAL

Principle of development

- 9.1 The site is unallocated on the UDP and outline planning permission has previously been granted on this site (ref – 2013/93212). Whilst planning permission 2013/93212 has expired, there has been no significant change in circumstances since planning permission was granted. The site remains unallocated on the emerging Local Plan.
- 9.2 Chapter 1 of the NPPF stipulates that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth and significant weight should be placed on the need to support economic growth through the planning system.
- 9.3 The proposed expansion of the existing factory would support the continuing economic success of Clough Mills as a manufacturing operation, supporting its retention with Kirklees, and would be in compliance with the economic sustainability principle of the NPPF. The proposed development involves development on a brownfield site. The principle of the extension of the factory on the site is considered to be acceptable and potentially a sustainable site for employment generation in line with policy PLP1. Policy B5 of the UDP considers extensions to businesses and states that they will be accepted provided the amenity of neighbouring occupiers, visual amenity and highway safety are safeguarded. These issues are considered below.

Impact on Highway Safety

- 9.4 UDP policy T10 sets out the matters against which new development will be assessed in terms of highway safety. The applicant has clarified the proposal in respect of parking spaces and deliveries. The site currently has space along the frontage for 11no vehicles, laid out in an informal manner.
- 9.5 The previous planning permission (ref - 2013/93212) considered the impact of the proposed development on the highway network. Highway DM previously noted that when assessed against parking standards the existing business has an existing shortfall in parking provision. Nevertheless, it was considered that the business operated without causing any undue highway safety considerations. There has been no change in circumstances since the previous approval.
- 9.6 In terms of shift patterns associated with the proposed building extension and existing business, there would be 24 hour pattern of 3 shifts for 6 days a week working across the proposed and existing buildings. It is anticipated that the total number of employees on site at any one time would be 11 with an additional 3 managerial jobs. It is noted that not all workers drive to work.
- 9.7 In terms of the impact of goods deliveries, they are dealt with at the lower end of the site and transferred via forklift, from the road and into the premises. Deliveries only take place during typical working hours.

- 9.8 Kirklees Highways DM has assessed the current application and considers that there is sufficient parking proposed by the development in accordance with the submitted plan which demonstrates a proposal for 11 parking spaces. Highways DM have assessed the local highway network in terms of visibility and the manoeuvring of vehicles raise no objection. The proposal is considered to comply with policy T10 of the UDP and policies PLP21 and PLP22 of the emerging Local Plan.

Visual Impact

- 9.9 Policies BE1 and BE2 of the Unitary Development Plan (UDP) are considerations in relation to design, materials and layout. Emerging Local Plan policy PLP24 reiterates that good design should be at the core of all proposals.
- 9.10 The proposed extension would be detached from the existing stone constructed factory and the proposed construction materials would be a block work plinth with PVC steel sheeting to the walls and roof. It is considered the appearance of the building with materials which would be practical for their purpose, would on balance be acceptable considering the inconspicuous location of the proposed building behind the principal stone constructed factory. The building would replace the existing brick building, albeit that the proposed building is much larger, and the nearest neighbouring residential properties to the site are located at a significantly higher ground level such that it is considered the proposal would not affect their outlook.
- 9.11 The application is considered to comply with policies BE1 and BE2 of the UDP and emerging Local Plan policy PLP24, subject to conditions requiring full details of proposed materials.

Residential Amenity

- 9.12 Policy D2 stipulates that proposals should not impact on the residential amenity of occupiers of neighbouring properties. This is also part of the consideration of Policy B5. It is a core planning principle of the NPPF that a good standard of amenity be secured for existing occupants of land and building. This is reflected in emerging Local Plan policy PLP24. The surrounding area is mixed used with commercial and residential properties and the nearest neighbouring properties to the site are located to the south-east of Benn Lane, to the south off Stoney Lane and Leymoor Road.
- 9.13 Concerns have been raised by a local resident regarding the potential noise from the proposed development, and a lack of detail submitted with the application detailing how noise would be mitigated. Following these concerns, additional consultation was undertaken with Environmental Health following the submission of the noise report which was previously considered as part of application 2013/93212. Having considered the submitted noise report, Environmental Protection recommends the imposition of an appropriate planning condition in order to ensure the noise levels specified in the submitted report will be met.

- 9.14 It is also noted that works have already commenced on excavation and foundation works associated with the proposal. Consequently, the proposed development is part-retrospective in nature. The applicant will be advised that construction works should not take place outside the hours of 0730 and 1830 Monday to Friday and 0800 and 1300 on Saturdays with no works on a Sunday. Noise disturbance from construction works would be assessed under separate, non-planning legislation.
- 9.15 Subject to the imposition of conditions it is considered the development would not have an undue detrimental impact on the amenity of occupiers of nearby residential properties arising from noise disturbance and the proposal would accord with policies D2 and EP4 of the UDP, emerging Local Plan policy PLP52 and para 123 of the NPPF.

Impact on Ecology/Trees

- 9.16 The site lies within, and is surrounded by, areas of semi-natural habitat that is identified as part of the Kirklees Wildlife Habitat Network (KWHN). It is noted that planning permission has previously been granted on the same site (ref - 2013/93212) and no objections were raised. In terms of the current application, the Council's ecologist does not consider that the proposed development has adequately assessed the impact on biodiversity interests and that ecological enhancement is required. The proposed extension lies with an area allocated as part of the Kirklees Habitat Network on the emerging Local Plan.
- 9.17 On the basis that the previous outline application was considered acceptable in respect of ecology, it is proposed to attach a planning condition in this instance requiring the submission of ecological enhancement details prior to the occupation of the building in accordance with emerging Local Plan policy PLP30.
- 9.18 In respect of trees, a number of self-seeded trees have been removed to make way for the proposed development. However, these did not hold significant arboricultural value, although they did make a contribution to the Kirklees Wildlife Habitat Network. A condition is recommended regarding landscaping mitigation/compensation in accordance with policy NE9 of the UDP and emerging Local Plan policy PLP33.

Drainage and Flood Risk

- 9.19 The NPPF sets out the responsibilities for Local Planning Authorities determining planning applications, including flood risk assessments taking climate change into account and the application of the sequential approach. The site abuts the Longwood Brook and is located within the Environment Agency flood zone 2. A flood risk assessment has been submitted to accompany the application.

- 9.20 The strategic drainage engineer notes that the flood risk assessment includes a drawing showing that the extension is not built over the culverted watercourse crossing the site. The Council's drainage officer has commented that any works carried out near the watercourse would require separate consent from the EA, but raise no objection to the scheme. There are no objections raised by the Environment Agency.
- 9.21 The proposed development is categorised as 'less vulnerable' in the NPPF and is therefore, an appropriate type of development within flood zone 2. It is proposed to incorporate flood resilient measures and SUDs to address any minimal increase in surface water flows.
- 9.22 Subject to conditions flood risk issue would be addressed and the proposal would accord with chapter 10 of the NPPF.
- 9.22 Yorkshire Water noted that no comments are required from them.

10.0 CONCLUSION

- 10.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 10.2 Works to facilitate the extension have already impacted on the Kirklees Wildlife Habitat Network. In order to address the loss of trees and potential ecological impacts, conditions are proposed requiring planting and ecological enhancement.
- 10.3 Concerns regarding noise from the proposed extension can be suitably address by a condition requiring additional noise detail to be submitted and, if necessary, additional noise insulation/mitigation measures.
- 10.4 Highways DM have assessed the potential impact on the highway network and raise no objections. A condition is recommended requiring parking spaces to be marked out prior to the occupation of the building.
- 10.5 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, in accordance with PLP1 of the emerging Local Plan and the NPPF and is therefore recommended for approval.

11.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)

1. Approved Plans
2. Approved Flood Risk Assessment
3. Details of materials
4. Noise report to ascertain that noise levels achieved. If not, mitigation required.
5. Unexpected contamination
6. Soft landscaping scheme
7. Ecological enhancement
8. Parking spaces to be provided

Background Papers:

Application and history files.

Website link to be inserted here

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