
Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 05-Oct-2017

Subject: Planning Application 2017/90207 Outline application for erection of B1 light industry Thongsbridge Mills, Miry Lane, Thongsbridge, Holmfirth, HD9 7RW

APPLICANT

Stephen Marsden,
Marsden Tractors

DATE VALID

27-Jan-2017

TARGET DATE

28-Apr-2017

EXTENSION EXPIRY DATE

15-Sep-2017

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<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: Holme Valley South

Yes

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 / REASON FOR DEFERRAL

- 1.1 The proposed development involves a non-residential Major Development with a site area of more than 0.5ha. It is referred to Strategic Planning Committee on this basis.
- 1.2 The application was deferred by the Strategic Planning Committee on 7th September 2017 in order to ensure that the proposed access was fully considered in conjunction with planning application 2017/91796 for a new foodstore which is proposed on a parcel of land on the southern side of the proposed access. Members also requested that the proposed hours of use were reviewed in light of the proposals on the neighbouring site and were consistent and fair with regards to local residents amenity.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site is located on the eastern side of the A6024 Huddersfield Road approximately 1km north east of Holmfirth. The total site area is approximately 2.5ha, sitting on a lower level than Huddersfield Road. A line of trees occupies the southern and eastern boundaries. The eastern earth bank to the former mill pond remains.
- 2.2 Two dwellings facing Huddersfield Road and the site are located north- west of the site with the footings of two further dwellings located on the site adjacent to these. There are also several small industrial units located north west of the site adjacent to Miry Lane.
- 2.3 Access to the site is taken via Huddersfield Road. This access is already constructed as it formed the means of implementing the earlier permissions on the adjoining site for B1 business units. However, none of the buildings associated with the adjacent site have been erected.

3.0 PROPOSAL:

- 3.1 The application is submitted in outline form with all matters reserved, save for access.

- 3.2 The submitted scheme includes an indicative layout which demonstrates the potential to accommodate 3no B1 units on site with a floor area of approximately 2400m².
- 3.3 The applicant has confirmed that the units would have a maximum height of 6.5m
- 3.4 There is an existing access located off Huddersfield Road which formed the means of access for planning permission on the adjoining site (2007/91216). However, in order to accommodate the current application, it is proposed to widen this access.

4.0 BACKGROUND AND HISTORY:

- 4.1 The recent planning history of the site is detailed below:

2005/90017 – Outline application for B1 units – Approved

2006/92328 – Reserved matters application for the erection of B1 (Business unit) – Approved

2006/92394 – Erection of residential development (25 residential units with garages) – Approved

2007/91216 – Reserved matters for erection of 3n B1 business units – Approved (this was on adjoining land, served by the same access as the current application)

5.0 PLANNING POLICY:

- 5.1 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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007).
- 5.2 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
- 5.3 The application site is allocated as unallocated land in the Kirklees Unitary Development Plan. It is allocated as a 'Priority Employment Area' in the emerging local plan.

UDP Policies:

D2 – Development on land without notation
G6 – Land contamination
B1 – The Employment Needs of the District
BE1 – Design Principles
BE2 – Design of new development
EP4 - Noise Sensitive Development
EP11 – Ecological Landscaping
NE9 – Mature Trees
T10 – Highway safety

Kirklees Publication Draft Local Plan (PDLP) policies:

PLP1 – Presumption in favour of sustainable development
PLP3 – Location of new development
PLP7 – Efficient and effective use of land and buildings
PLP8 – Safeguarding employment land and premises
PLP20 – Sustainable Travel
PLP21 – Highway Safety and Access
PLP22 – Parking
PLP24 – Design
PLP27 – Flood Risk
PLP28 – Drainage
PLP30 – Biodiversity and Geodiversity
PLP51 – Protection and improvement of local air quality
PLP52 – Protection and improvement of environmental quality
PLP53 – Contaminated and unstable land

5.4 Many policies within the National Planning Policy Framework are relevant to this proposal and, where relevant, are referred to in the main report text.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been advertised in the press, by site notice and by neighbour letter as a Major Development. One letter of objection and one letter in support of the application have been received. In addition, Councillor Patrick has written in support of the application. These representations can be summarised as follows:

Objection

- No objection to principle but concerned about details included in the indicative layout.
- The proposed area for parking of vehicles and HGV turning immediately to the rear of property with likely adverse impacts concerning noise and disturbance particular from the reversing warnings of commercial vehicles.
- Impact of the development on the amenity of the garden and main living rooms being overlooked by the parking area and main yard.
- Should permission be granted we would require landscaping to the north west boundary of the site minimum of 3m wide, semi-mature trees and acoustic fencing.

- Restriction on deliveries particularly in commercial vehicles. Restriction from 0800 to 1700 weekdays and no weekend work.

Support

- The site has been vacant since 2002. The proposed use of the site would be beneficial to the area with prospect of increased employment.
- The Holme Valley suffers greatly in providing local employing with local job opportunities being few and far between.
- I would not envisage this development impacting on traffic or local highways and it would not affect public amenity.
- Local transport links are good and easy access via public transport, cycling or walking.
- Due concern has been given to the impact on the natural environment.

Councillor Patrick

- Looks like renewal of previous permission. It is employment land. More employment locally is needed. It has good access. It will make use of and tidy the site up. It is welcomed.

7.0 CONSULTATION RESPONSES:

- 7.1 Environment Agency - The site appears to lie entirely within flood zone 1, and the FRA indicates that all development will be above the flood level. We therefore have no objection to this proposal. However, given the site's close proximity to flood zones 2 and 3, it should be noted that the property could be surrounded by flood water, therefore, a Flood Warning and Evacuation Plan should be implemented. We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The National Planning Policy Framework and associated Planning Practice Guidance state that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

K.C Strategic Drainage – Kirklees Flood Management largely agrees with the findings of the submitted FRA. A sequential test should be submitted for this application. The Environment Agency should be consulted on flood risk from main river which should include an assessment for areas at risk incorporating calculations for climate change. Surface water flood does show an area of

ponding up to 600mm deep which needs to be analysed should buildings be located there. This is not picked up in the FRA. A temporary drainage plan will be required to prevent pollution and siltation of local watercourses and drainage systems. This can be conditioned. We do not object to direct connections of 5l/s/ha for the developed area to watercourse. Indirect connections via culvert can only be permitted if the said culvert is desilted and demonstrated as 'fit for purpose'.

Appropriate stand-off distances to culverted watercourses need to be established based on size, depth and condition currently not provided.

K.C Highways – No objections in principle subject to appropriate access design.

Non statutory consultees

K.C Environmental Health – No objection subject to the imposition of appropriate conditions.

K.C Ecology and Biodiversity Officer – No objection

Yorkshire Water Services – No comments received.

8.0 MAIN ISSUES:

Principle
Highways
Residential Amenity
Visual Impact
Ecology
Flood Risk/Drainage

9.0 ASSESSMENT:

Principle of development

9.1 The site is unallocated in the UDP. Policy D2 is therefore, of particular relevance and states:

“...Planning permission for the development (including change of use) of land and buildings without notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposal do not prejudice [a number of different criteria]...”

9.2 Historically the site was a former mill dam and part of the site retained water until circa 1994. Much of the site was vegetated. Since approximately 2006 the site has been filled with an engineering fill material in order to facilitate future development. It appears that these works were agreed and implemented as part of planning permission for 25 dwellings on the site (ref – 2006/92394). Whilst the infilling works took place, most of the dwellings were not built.

9.3 On the basis that the site accommodated a dam and other structures and has now been infilled in order to create a development platform, the site is considered to constitute previously developed land (brownfield).

- 9.4 In addition to this, the site lies within a Priority Employment Area on the publication Local Plan (PDLP). Weight can be given to this potential allocation as the emerging local plan is an indication on the direction of travel for the site, and the plan emphasises the need to deliver employment and housing proposals on the basis that approximately 175ha of employment land will be required in the coming years. The proposed development lies in close proximity to existing roads and infrastructure and is in an accessible location.
- 9.5 The proposals seek to bring back a vacant previously developed site back into beneficial use and would create a number of jobs, in accordance with the NPPF. Subject to other considerations set out in this report, the proposed development is a potentially sustainable employment site.

Highways

- 9.6 The scheme has been amended following concerns initially raised by KC Highways DM. The existing access which has been built was intended to facilitate the residential use granted in 2006 (2006/92394) and consequently, the width and kerb radii were inadequate for the proposed use. In addition, there is an application on the opposite side of the proposed access for a Class A1 foodstore and associated parking (2017/91796).
- 9.7 The applicant proposes to alter the existing junction so as to accommodate vehicles associated with the intended use. This would involve widening the junction where it meets Huddersfield Road, and altering the proposed configuration of the road layout. The applicant has submitted swept path drawings and at the time of writing these are being assessed. In addition, a 'right turn lane' to accommodate vehicles travelling in a northerly direction along Huddersfield Road and turning into the site has already been implemented through a previous consent.

In terms of vehicular movements, it is acknowledged that there is an extant planning permission for B1 light industrial units on land to the south east. This planning permission has been implemented on the basis that access to the site appears to have been built (ref - 2006/92328). The submitted Transport Assessment has considered vehicular movements associated with the implemented scheme for B1 units and potential movements associated with the proposed foodstore (2017/91796). In combination, all the schemes taken together would have the potential to generate 143 trips during the PM peak with significantly less during the AM peak.

- 9.8 It is noted that development was approved for 25 dwellings on the current application site in 2006 (ref – 2006/92394). The current application is anticipated to generate 25 additional trips during the AM peak and 16 additional trips during the PM peak over and above the previous consent on this site.
- 9.9 Whilst the proposal would increase the number of vehicles on the local highway network, Huddersfield Road forms part of the strategic highway network and is able to accommodate the relatively low number of vehicular movements proposed by this development.

- 9.10 In respect of parking, parking details would be provided with the proposed layout and are reserved for future consideration. In principle however, there are no objections from highways in this regard.
- 9.11 There are no objections in principle from Kirklees Highways DM to the revised highway plans. A condition for the details and construction of this junction works will be attached to the decision notice.

Residential Amenity

- 9.13 The site lies adjacent to a number of residential properties which face the application site and Huddersfield Road. The impact on the nearest properties is exacerbated in this case because the level of the land has been increased over the years and a number of the trees which once were once on the north-west site boundary have been cut down.
- 9.14 Concerns have been raised regarding the relationship between the proposed use and the nearest residential properties. However, the proposed development concerns a B1 use which covers offices (other than those falling within use class A2), research and development of products and light industry appropriate in a residential area. It is therefore considered that subject to the imposition of appropriate planning conditions restricting the hours of operation, the use of the land for B1 purposes would not necessarily be in conflict with adjoining or nearby properties. However, given the proximity of the nearest potentially affected property and the proposed use, Environmental Protection were re-consulted and provided detailed comments on the concerns raised:

“B1 industrial use as per my original response has long been seen as compatible with residential properties in close proximity, providing conditions are applied re hours and times of delivery. We get very few complaints about B1 properties as they do not tend to be noisy uses as most of these would fall into B2.

Even with raised ground levels the use should be compatible providing the hours of use/deliveries in my consultation response are applied. I don't feel there is any need for further restriction of hours”

- 9.15 Given the proximity of the nearest properties to the application site, there is the potential for disturbance arising from the manoeuvring of vehicles and/or the overbearing impact of new buildings. These matters would be assessed as part of the later reserved matters submissions concerning layout, scale, landscaping and appearance. In particular, it is acknowledged that the boundary of the application site and the nearest residential properties would need effective treatment such as vegetation and mature tree planting.
- 9.16 Whilst an indicative layout plan has been submitted, this is not binding and would not form an approved plan. Subsequent reserved matters would need to properly consider the impact of the proposed development on the local amenity.
- 9.17 In principle however, the impact on the amenity of the nearest properties is considered acceptable, subject to the imposition of appropriate planning conditions which are listed in the recommended conditions at the end of this report. Given that the layout of the scheme has not been considered, a

condition is recommended requiring that operating hours and delivery hours are considered at reserved matters stage. This responds to the comments on the hours of use condition previously raised by my Committee at the last meeting and will allow a more accurate assessment to take place once detailed layouts are known. It will also likely result in having a knowledge of the hours of operation of the adjoining site, should that achieve planning permission.. On this basis the application is considered to comply with policy D2 and BE2 of the UDP in respect of the potential impact on residential amenity.

Visual Impact

- 9.18 The applicant has indicated that the buildings would be a maximum of 6.5m in height. The site lies on a lower level than Huddersfield Road and an indicative layout shows that the scheme could potentially be laid out in a visually acceptable manner. The visual impact of the proposed development would largely be assessed at reserved matters stage but there is no reason why the scheme could not be designed in an appropriate manner having regard to the character and appearance of the area. Overall, the scheme has the potential to comply with policies concerning design and layout in accordance with policies BE2 and D2 of the UDP and PLP24 of the PDLP.

Ecology

- 9.19 The site does not lie within a nationally or locally designated ecological site but lies within 50m of the River Holme which supports a variety of habitats. The proposed development would not impact on protected species including bats, birds, reptiles, otters or water voles.
- 9.20 There is potential for nesting birds on the site and Himalayan Balsam was found on the site. These matters, along with ensuring appropriate lighting and additional ecological enhancements, could be subject to appropriate planning conditions. The Council's ecologist has assessed the scheme and raises no objections. The application is therefore, considered to comply with the NPPF in respect of biodiversity.

Flood Risk

- 9.21 Para 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. On the basis that the site lies in Flood Zone 1 (lowest risk of flooding from rivers or the sea), a sequential test is not required in this case. However, it is noted that the site lies adjacent to Flood Zones 2 and 3 and consequently, the Environment Agency require the submission of a flood evacuation plans.
- 9.22 The Council's drainage officer initially raised a few concerns with the application relating to the location of buildings on the indicative layout where areas of ponding are known on site. However, the applicant has submitted an addendum to the Flood Risk Assessment (FRA) which details that proposed building locations are in areas of low risk of surface water flooding. In any event, the layout is indicative and full details would be required at reserved matters stage. Based on the comments received from the Council drainage officer, the Environment Agency and based on the submitted FRA, it is

considered that the application meets the requirements set out in the NPPF and meets policies PLP27 and PLP28 of the PDLP.

10.0 Conclusion

- 10.1 The proposal would increase the employment offering in accordance with the allocation in the emerging Local Plan. It fulfils the NPPF requirements in terms of increasing employment opportunities and for the redevelopment of brownfield sites. In this case the proposal is likely to generate a number of jobs and this is given significant weight in assessing the proposed scheme.
- 10.2 The development is served by existing access which would require alterations and upgrades in order to accommodate the number and type of vehicles proposed. Other issues such as the impact on local residents have been addressed or will be addressed in detail at reserved matters stage.
- 10.3 All other matters have been adequately addressed. The proposed development is considered to represent a sustainable development and is therefore, recommended for approval.

11.0 **RECOMMENDATION:**

Approve subject to the following conditions.

1. 3 years
2. Reserved matters within 2 years
3. Contaminated Land conditions to cover intrusive investigation, remediation and validation
4. Ecological enhancement
5. Drainage
6. Travel Plan
7. Highway access detailed design.
8. Landscaping to include a buffer in north west corner of site closest to residential property
9. Operating hours and Construction hours to be determined as part of reserved matters
10. Construction management plan
11. Details of external plant
12. Floodlighting details and a scheme to manage and control lighting
13. Details of drainage to accompany reserved matters – layout
14. Flood evacuation plan
15. Electric Charging Points 10% of spaces

**Background Papers:
Application and history files.**

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f90207>

Certificate A