
Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 05-Oct-2017

Subject: Planning Application 2017/91208 Outline application for erection of industrial development of up to 3684 sqm B1c/B2/B8, with means of access (to, but not within, the site) from Colnebridge Road Land adj, Colnebridge Waste Water Treatment Works, Colnebridge Road, Bradley, Huddersfield

APPLICANT

Keyland Developments
Ltd

DATE VALID

13-Apr-2017

TARGET DATE

13-Jul-2017

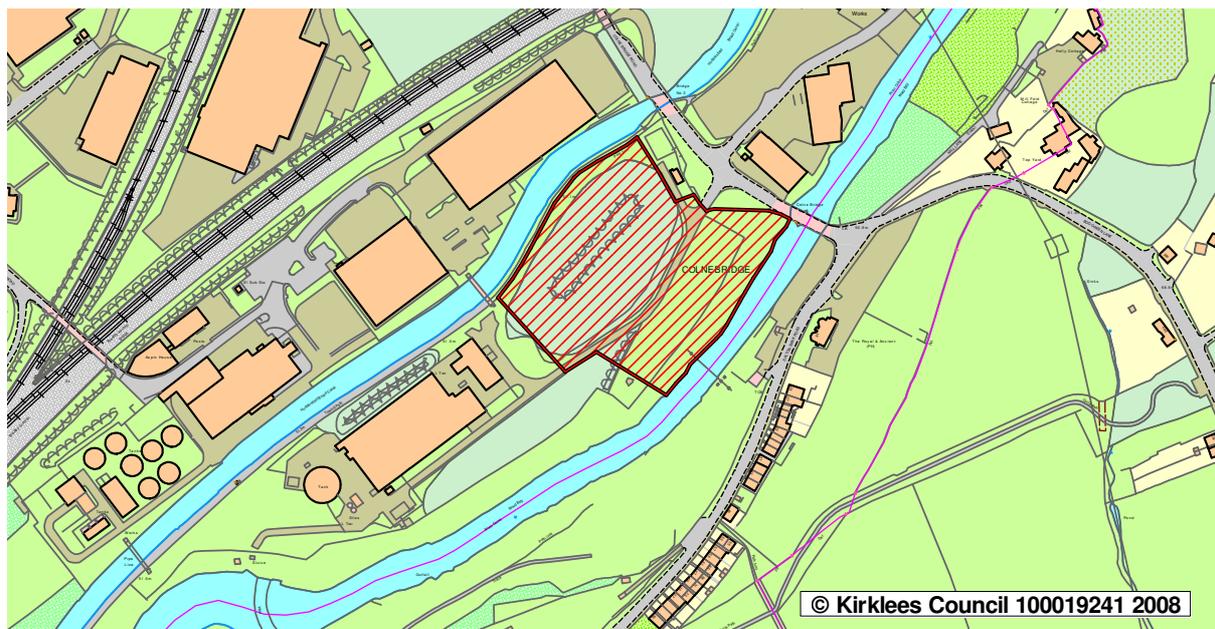
EXTENSION EXPIRY DATE

09-Oct-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: YesWard 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 The application is referred to Strategic Planning Committee on the basis that it involves non-residential development on a site of over 0.5ha in area.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site lies approximately 4.5km north east of Huddersfield town centre in an area of mainly industrial uses. Access to the site is existing, taken via Colne Bridge Road.
- 2.2 The site sits to the east of the Yorkshire Water Waste Water Treatment Works (WWTW) at Colne Bridge. The site currently comprises trees, grass and vegetation along with a couple of buildings and the main access to the WWTW.
- 2.3 Immediately to the south of the site lies the River Colne with the Huddersfield Broad Canal lying to the north.

3.0 PROPOSAL:

- 3.1 The application is submitted in outline form with all matters reserved except for access.
- 3.2 The proposed development seeks to redevelop the site for B1c/B2/B8 industrial uses. The application is submitted in outline with all matters reserved except for means of access and seeks to secure planning permission for up to 3684m² of industrial floorspace.
- 3.3 Access to the site would be from the existing WWTW access point located off Colne Bridge Road. In order to facilitate the development it is proposed to widen the access road to allow two way traffic flows and increase the radii to facilitate HGV movements.
- 3.4 The application has been accompanied by a revised indicative layout in order to ensure buildings do not encroach into an area of trees covered by a Tree Preservation Order.

- 3.5 The submitted indicative layout indicates up to 9 industrial units ranging in size. It is anticipated that the scheme would provide approximately 69 car parking spaces with 10 bays for service vehicles.
- 3.6 In order to facilitate the development a large area of trees (category B and C) are to be removed and these lie close to the canal side.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 There are no historical applications of direct relevance to the proposed development. There are a number of consents from the early to mid 1990's relating to works to the sewage treatment plant.
- 4.2 A strip of land within the site is subject to a Tree Preservation Order (TPO 13/17/w1) which was served on 13th June 2017.

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.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

BE1 – Design Principles
BE2 – Quality of Design
BE23 – Crime Prevention
EP6 – Development and Noise
NE3 - Site of Scientific Interest
NE9 – Retention of Trees
T10 – Highway Safety
T18 – Strategic Pedestrian and Cycle Routes
T19 – Parking Standards
G6 – Contaminated Land
R18 – Canals and Rivers
D2 – Development on Land without Notation on the UDP Proposals
Map

Emerging Local Plan policies:

- PLP1 – Presumption in favour of sustainable development
- PLP3 – Location of New Development
- PLP4 – Providing Infrastructure
- PLP7 – Efficient and effective use of land and buildings
- PLP8 – Safeguarding employment land and premises
- PLP19 – Strategic transport infrastructure
- PLP20 – Sustainable Travel
- PLP21 – Highway safety and access
- PLP22 – Parking
- PLP23 – Core walking and cycling network
- PLP24 – Design
- PLP27 – Flood Risk
- PLP28 – Drainage
- PLP30 – Biodiversity and Geodiversity
- PLP31 – Strategic green infrastructure
- PLP32 – Landscape
- PLP33 – Trees
- PLP34 – Conserving and enhancing the water environment
- PLP35 – Historic Environment
- PLP48 – Community facilities and services
- PLP51 – Protection and improvement of local air quality
- PLP52 – Protection and improvement of environmental quality
- PLP53 – Contaminated and unstable land

Supplementary Planning Guidance / Documents:

- 5.4 West Yorkshire Low Emissions Strategy (2016)

National Planning Guidance:

- 5.5 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. No representations have been received.

7.0 CONSULTATION RESPONSES:

7.1 Statutory:

K.C Highways DM – No objection subject to conditions.

Environment Agency – No objection subject to conditions following the submission of a revised Flood Risk Assessment.

Canal and Rivers Trust – At the reserved matters stage, we would request that the developer demonstrates that the final proposed development will have no adverse loading impact on the canal infrastructure (i.e. towpath retaining wall or canal washwall), utilising cross sectional information showing the depth of foundations in relation to the canal infrastructure. If the final plans are likely to require any works within 10m of the towpath retaining structure

then we would recommend the assessment takes the form of an investigation of the condition of the towpath retaining structure and waterway wall, a detailed foundation design, a construction methodology (for all construction activities within 10m of the water's edge) and an assessment of any retaining or waterway wall strengthening works that may be needed.

In addition to the above, low-level leakage/seepage from the canal is common within embankment arrangements such as that shown. We would therefore request that the developer provides information to demonstrate that drainage systems will be installed at the toe of the retaining structures to deal with any seepage as it occurs.

We appreciate that the scheme is outline at present, with the layout a reserved matter. However, looking at the indicative layout shown, we do have concerns that the rear service areas of the business units would be on show, and that there would be pressures for the installation of tall solid fencing to the rear boundary with the canal.

We would therefore recommend that, when the layout is developed, the impact upon the waterway is considered. Design considerations may include a combination of enhancing the existing and providing additional planting to form a natural vegetated buffer to the canal and designing the units and layout so they positively address the canal.

Boundary treatments should be sympathetic to the canal side environment. Due to the outline nature of the application, we are unaware of whether a new boundary treatment to the existing paladin fencing will be proposed when the scheme is developed further. An example of a positive treatment would include a dwarf stone wall with railings above to provide both security and views.

We would recommend that any final scheme retains a significant proportion the mature vegetation on the canalside boundary (which enhances the existing green corridor), and utilises additional planting, to soften the appearance of the development, and to shield views of parking and service areas. We would recommend that supporting information includes information on planting species and the density of planting within any 'buffer'.

Within the indicative plans, Unit 2 is in close proximity to the towpath, and there would be insufficient space for a vegetated "buffer" to be effective. Unless the unit is designed to directly engage with the canal towpath through an active or open frontage, we believe this unit should be setback further from the canal.

Careful landscaping will also be required in this case.

K.C Drainage – No objection in principle but further detail needed to accompany layout.

7.2 **Non-statutory:**

West Yorkshire Archaeology Advisory Service – no requirement for any further works of planning conditions.

Conservation and Design - No objection in principle but request that there is sufficient space between the buildings, the canal and the river to ensure that there is adequate boundary treatments to screen the buildings.

K.C Environmental Health – To be included within the committee update.

West Yorkshire Police Architectural Liaison Officer – No objection subject to conditions

K.C Ecology and Biodiversity Officer – *In relation to the revised indicative layout, I note that the required standoff from the River Colne is included. However, the layout would still represent a significant impact to the local green infrastructure resource and proposed structures remain very close to the adjacent Local Wildlife Site.*

Although the layout is indicative only, the development as proposed is likely to result in significant impact to biodiversity unless mitigation is included in the design. Based on the submitted layout the most effecting means of mitigating impacts to green infrastructure would be through the use of a green roof on Unit 1 (shown on the revised indicative layout) coupled with appropriate native landscape planting. This would provide mitigation for the loss of existing immature woodland and would represent adherence to the mitigation hierarchy set out the in NPPF. Without this mitigation the development would not comply with the policies of the NPPF.

K.C Arboriculturist – *No objection in principle. I agree that the river frontage area is valuable and should not be included in the development; it forms part of the Local Wildlife Network and provides high public amenity value. For this reason a new TPO has been served to protect the river side woodland strip. With this in mind, I have no objection to the principle of development on this site but I could not support any layout that extends past the current boundary fence in to the river frontage area. Therefore the current indicative layout is not something that I could support.*

I believe that any proposal which does not retain the trees/woodland strip along the river frontage, would not meet UDP policy NE9 'mature trees to be retained' and BE2 'existing trees to be incorporated as an integral part of the design'.

Yorkshire Water – No objection subject to conditions.

8.0 MAIN ISSUES

Principle of Development
Design and Visual Impact
Heritage Assets
Residential Amenity
Contaminated Land
Ecology/Trees
Highways
Drainage/Flood Risk

9.0 APPRAISAL

Principle of development

- 9.1 The site is without notation on the UDP Proposals Map and currently consists part of the land associated with the WWTW. Policy D2 is relevant for applications on land without notation and states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”. The site remains unallocated in the emerging Local Plan. These considerations are addressed later in this assessment.
- 9.2 The site is populated by a range of vegetation which is mainly located along the site boundaries, but a large proportion of the northern part of the site is populated by trees. The site is largely ‘green’ although there is an access road which runs through the site which provides access for the wider WWTW. It is not considered to represent a brownfield site given its appearance as an area of green space.
- 9.3 It is acknowledged that the site is not allocated for employment purposes in the current or emerging Local Plan. However, over time large areas of previous employment land in Kirklees have been developed for other purposes, mainly housing. Some of the reasons for this are the unsuitability of former employment sites to accommodate large vehicles or prohibitive costs of redevelopment. In this regard, there is a shortage of employment land which the emerging Local Plan is intending to address. As it stands the site lies in close proximity to other industrial type uses and therefore, the redevelopment of this site for industrial purposes would not represent a significant departure from uses in the surrounding area. There is no in principle reason to resist the use as proposed in this location given that it would provide up to 80 additional jobs in order to support growth in Kirklees.
- 9.4 One of the core principles of the NPPF is to proactively drive and support sustainable economic development. Given the proposed development does not conflict with the current allocation or the emerging allocation, the principle of development is considered potentially acceptable and in compliance with D2 of the current UDP.

Design and Visual Impact

- 9.5 The design of the development and its impact on amenity is a material consideration. Given that the proposal seeks outline permission with specific design details reserved, a full assessment would be carried out with any subsequent reserved matters submissions. However, a broader assessment in relation to the principle of the development has been considered. This includes crime prevention, residential amenity, land contamination, and the impact of the development on the Huddersfield Broad Canal and other sensitive receptors.
- 9.6 In respect of the potential impact on Huddersfield Broad Canal, the proposed development would be positioned close to the canal and the Canal and Rivers Trust are keen to ensure that suitable landscaping and other mitigation

measures are fully considered and incorporated at reserved matters stage. Whilst the height of the buildings relative to the canal means they would be visible from the canal side, landscaping details at reserved matters stage would be considered with a view to ensuring the impact on the canal side environment was reduced as far as possible. An alternative measure may be to ensure that the buildings have a more attractive appearance when viewed from the canal.

- 9.7 Overall the Canal and Rivers Trust consider that there is scope within the proposal to improve the layout of the scheme so it has a better relationship with the watercourse. This would be a matter to consider at reserved matters stage. The proposed development is considered to comply with policy R18 of the UDP in this regard and policies PLP31 and PLP32 of the emerging Local Plan.
- 9.8 The significant loss of trees proposed which lies close to the canal means that the existing character of the site would be affected. However, views of the site from the main road are generally limited and the woodland area is not publicly accessible. When considered in context of other surrounding developments, the proposal would not appear prominent. The proposed development is potentially acceptable in design and visual impact terms and the current application is considered to comply with policies BE2 of the UDP and PLP24 of the emerging Local Plan.
- 9.9 In respect of crime prevention, historically the industrial units situated alongside the Leeds Road corridor have experienced a variety of crime and anti-social behaviour. However, the reserved matters stage would provide an opportunity to incorporate crime prevention measures.

Heritage Assets

- 9.10 In accordance with the statutory duty set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA), special regard must be paid to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they may possess. Policies BE1 and BE2 of the UDP focus on good quality design. Chapter 7 of the NPPF focuses on good design, chapter 12 relates to heritage assets. The application has been advertised as affecting the setting of a listed building.
- 9.11 Colne Bridge lies just beyond the north eastern boundary of the site and comprises a Grade II listed bridge constructed early/mid-18th Century. The proposed development has the potential to impact on the setting of the listed building by virtue of the scale of the development proposed and its close proximity and the fact that the setting of Colne Bridge is considered to include at least part of the application site.
- 9.12 The application has been submitted in outline form with all matters reserved, except access. The precise impact on the heritage asset is therefore, not fully understood at this stage.
- 9.13 The indicative layout plan demonstrates a reduction in the impact on the setting of Colne Bridge as it shows a buffer between the bridge and the position of the building in the north eastern corner of the site. In addition, further to comments provided by the Council's arboriculturist, the belt of trees

adjacent to the river is protected which in turn would screen views of the site from the bridge.

- 9.14 The Council's Design and Conservation Officer has been consulted on the proposed development and raises no objections, subject to careful consideration of the siting of buildings at reserved matters stage. Given the potential impact, which is considered to be less than substantial in NPPF terms, the full impact on the heritage asset would be required through the reserved matters submissions.

Residential Amenity

- 9.15 The site is located in an area largely populated by industrial uses. The closest residential properties lie at a distance of 260m from the south eastern corner of the site. Policy D2 and EP6 of the UDP, PLP24 of the emerging Local Plan and chapter 11 of the NPPF require the impact on amenity to be considered.
- 9.16 The applicant has commissioned a noise report which has been submitted for consideration, Environmental Health are in the processing of assessing the report and an update will be provided to planning committee.
- 9.17 Given the proximity of the site to residential properties, there is no reason in principle why this type of use should present an unacceptable impact for existing occupiers.

Contaminated Land

- 9.18 The application has submitted a Phase I contamination report. Comments from Environmental Health are awaited in order to ascertain whether the proposal would comply with policy G6 and Policies in the NPPF. An update will be provided to committee.

Ecology/Trees

- 9.19 The site is situated between a railway line and the Huddersfield Broad Canal, both of which are considered to function as wildlife corridors. The application has been revised in order to take into account the initial comments from the Council's biodiversity officer.
- 9.20 The canal to the north west of the site comprises a Local Wildlife Site while the tree belt to the south/east within the site boundary forms part of a wider Wildlife Habitat Network.
- 9.21 Given the close proximity of the site to the Local Wildlife Site there are concerns that the details shown on the indicative layout would result in significant impacts to biodiversity unless mitigation is incorporated into the design. The Council's ecologist has suggested a green roof and appropriate native landscaping may provide the necessary mitigation to offset harm. These matters would be required as part of any subsequent reserved matters in order to comply with the requirements of the NPPF.
- 9.22 In respect of existing trees, there is a large group of woodland within the western portion of the site close to the canal. These trees comprise category B and C and would all need to be removed to make way for the proposed

development. There is a further belt of trees on the eastern boundary of the site. Following consultation with the Council's arboriculturist, it was concluded that these trees were of sufficient valued to be protected by a Tree Preservation Order (TPO). A TPO has therefore, been served on these trees and the indicative layout has been amended to ensure the retention of these trees. It is considered that the removal of the trees closest the canal is acceptable in this case on the basis that the trees closest to the river are protected. The proposal is in compliance with policy NE9 of the UDP.

Highways

9.23 The main premise of policy T10 of the Kirklees UDP is to ensure that new development does not create or materially add to highway safety problems and does not generate vehicular movements that cannot be served by the existing highway network.

9.24 The NPPF, in paragraph 32, requires that decisions should take account of whether:

- safe and suitable access to the site can be achieved for all people; and;
- improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development.

Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

9.25 In terms of access, this will be taken from the existing WWTW access point off Colne Bridge Road. The proposal includes improvements to the existing access road and junction including widening of the access road to allow two-way traffic and increase radii to facilitate HGV movements.

9.26 The applicant has provided visibility splays of 2.4m x 43m in accordance with the 30mph speed limit on Colne Bridge Road. The site access also includes a 2m wide footway on the northern side and a dropped crossing with tactile paving will be provided along Colne Bridge Road in order to cross the carriageway.

9.27 The proposed development is anticipated to generate 26 two-way trips during the AM peak with 24 movements during the PM peak. On a typical day the development is anticipated to generate 15 two way HGV movements between 0700 and 1900.

9.28 In respect of the impacts on the wider network, the submitted details show that the impact of the proposed development on A62 Leeds Road/Bradley Road/Colne Bridge Road signalised crossroads junction would be minimal and not severe in NPPF terms.

9.29 In respect of parking, this is a reserved matter but there is sufficient room within the site to ensure that parking spaces are provided in accordance with planning policy.

9.30 Highway DM has assessed the proposed development and raises no objections. Planning conditions are proposed to mitigate potential harm. The application is considered to comply with policy T10 of the UDP and emerging Local Plan policies PLP20, PLP21, PLP22 and PLP23.

Drainage/Flood Risk

- 9.31 The site lies within Flood Zone 3 and proposes a use which is 'less vulnerable' according to the NPPF and therefore, no exception test is required.
- 9.32 The applicant proposes to raise the finished floor levels so they are at least 150mm above existing ground level in order to mitigate against localised flooding caused by heavy rainfall.
- 9.33 The Environment Agency has been consulted on the proposal and raises no objections, subject to the imposition of appropriate conditions.
- 9.34 In respect of surface water drainage, Planning Practice Guidance aims to ensure discharge surface runoff is as high up the hierarchy as possible:
- into the ground (infiltration);
 - to a surface water body;
 - to a surface water sewer, highway drain, or another drainage system;
 - to a combined sewer.
- 9.35 The submitted FRA discounts infiltration for geological reasons but the scheme proposes to discharge into the River Colne with a restricted discharge rate of 4.3 litres/second (meaning attenuation would be provided within the site). The Council's Principal Engineer (Flood Management and Drainage) is broadly satisfied with the proposals but points out that the historic plans show a mill race crossing the site. As part of the layout it will be imperative to identify whether the mill race continues as a culvert as this could be a major constraint to the site layout.
- 9.36 As a result of the above, planning conditions are recommended that require details to be submitted with subsequent reserved matters (layout) in order to ensure that drainage details are satisfied as part of the layout.

10.0 CONCLUSION

- 10.1 The site comprises a partially previously developed parcel of land which is unallocated on the Unitary Development Plan. The proposal would result in the formation of approximately 80 full time jobs within an area characterised by employment generating uses.
- 10.2 Potential impacts on the highway network have been assessed and found acceptable. The scheme also proposes to provide alternative pedestrian links with the greenway which runs in close proximity of the site. The potential drainage impacts have been considered and, subject to appropriate planning conditions, are considered acceptable in principle.
- 10.3 In terms of design and appearance; it is acknowledged that there would be some impact on the character and appearance of the area based on the scale of the development and the loss of existing trees, particularly when viewed from the canal side. However, it is considered that a carefully designed scheme with appropriate landscaping could acceptably mitigate potential impacts. Similarly, the impact on the closest heritage asset – Colne Bridge – is considered to be less than substantial in NPPF terms and the potential for this scheme to generate employment opportunities is a public

benefit which is considered to outweigh the relatively minimal harm in principle. The impact on the setting of the listed bridge could largely be addressed at reserved matters stage.

10.4 All other matters have been adequately addressed. The proposed development is considered to represent sustainable development and is therefore, recommended for approval subject to the conditions detailed below.

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

- 1. Standard condition outlining all reserved matters to be submitted.**
- 2. Reference to approved plans**
- 3. Reserved matters to be submitted within 3 years and development commenced within 2 years of final reserved matters.**
- 4. Drainage conditions covering details of existing culverts within the site to be submitted with Reserved Matters (Layout).**
- 5. Foul and surface water drainage. To be submitted with Reserved Matters (Layout)**
- 6. Contaminated land conditions**
- 7. Noise report**
- 8. Ecological enhancement measures to be incorporated into landscaping**
- 9. Boundary treatments**
- 10. Cycle parking.**
- 11. Finished floor levels to be raised in accordance with FRA**
- 12. Landscaping scheme shall include trees to be retained**

Informatives

The applicant/developer is advised to contact the CRT Works Engineering Team on 01827 252 073 in order to ensure that any necessary consents are obtained and that the works comply with the Trust's "Code of Practice for Works affecting Canal & River Trust".

Altering the channel of ordinary watercourses, including diversions, requires consent of the Lead Local Flood Authority (Kirklees Council Flood Management Department) under Floods and Water Management Act 2010. Diversion of Highway Drainage requires permission of the the Highway Authority (Kirklees Council). Diversion of the public sewer network requires agreement with the Statutory Undertaker (Yorkshire Water) under the Water Industry Act 1991. The latter may include transferred assets under the Private Sewer Transfer Regulations 2011 that are not yet depicted on the statutory record. Diversion of private sewers requires permission from the owners.