
Report of the Head of Strategic Investment**STRATEGIC PLANNING COMMITTEE****Date: 05-Jul-2018**

Subject: Planning Application 2018/90801 Reserved Matters application pursuant to outline permission 2014/90688 for erection of commercial floorspace (B1c, B2, B8) including details of engineering operations to form serviced employment plots and full application for the erection of 166 dwellings (INDUSTRIAL PART ONLY) Land at, Slipper Lane, Mirfield

APPLICANT

Caddick Developments
Ltd

DATE VALID

08-Mar-2018

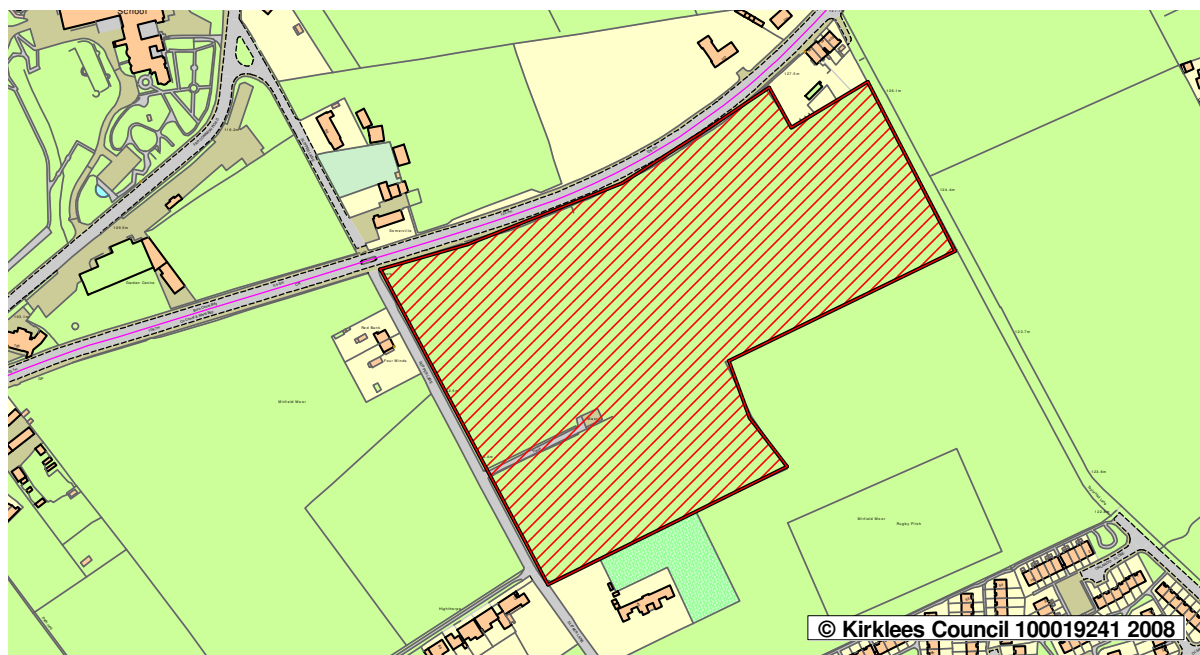
TARGET DATE

07-Jun-2018

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN

Map not to scale – for identification purposes only

Electoral Wards Affected: Mirfield

Yes

Ward Members consulted
(referred to in report)

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report and to secure the variation of the S106 agreement detailed within this report.

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Strategic Investment shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION:

- 1.1 This application is brought to Committee in accordance with the Delegation Arrangement, and at the request of Local Members.

2.0 SITE AND SURROUNDINGS:

- 2.1. The application site comprises land on the northern urban fringe of Mirfield and consists of 12.38 hectares of land. The site has a frontage to Leeds Road (A62) and is bisected by Taylor Hall Lane. The site is bounded by Leeds Road to the north, by the rear of properties fronting Sunny Bank Road to the east, open fields, school playing fields and a former landfill site to the south and Slipper Lane to the west.
- 2.2 Taylor Hall Lane provides vehicular access from Leeds Road to a small group of cottages. Beyond this, it has been closed to vehicular traffic, but provides a pedestrian/cycle link. A public footpath also crosses the site from Sunny Bank Road to Leeds Road. Slipper Lane gives access from the south to residential properties; there is no direct access from Leeds Road via Slipper Lane.
- 2.3. To the west of Taylor Hall Lane, the site is largely flat, becoming dome shaped where it abuts Slipper Lane, with a level change of approximately 9 metres. To the east of Taylor Hall Lane the site falls uniformly from Leeds Road to the south east with a level change of approximately 10 metres. The site has the appearance of open fields.

3.0 PROPOSAL:

- 3.1 An Outline application for the erection of commercial floor space (B1c, B2 B8) including details of engineering operations to form serviced employment plots and full application for 166 dwellings was approved subject to a Section 106 Agreement in 2014.
- 3.2 On the Outline element for the industrial , 2 no. access points off Leeds Road were approved, and their provision together with t- junction improvements at Sunny Bank Lane/ Leeds Road junction were secured via conditions 30(industrial), and 23 (residential).
- 3.3 It should be noted that there is a planning application 2018/90802, also on this agenda, which seeks to vary those conditions, which in effect will result in their being one main access for the residential (as already agreed) and one main access off Leeds Road, serving the industry instead of two.
- 3.4 Should these variations be agreed, this application seeks reserved matters approval for the single access.
- 3.5. Only access is being applied for at this stage, and other reserved matters is siting layout, scale and landscaping are all still to be submitted for agreement.
- 3.6. In addition to the actual access the application plans indicate the levels of regrading across the site effectively creating two development platforms for future use and development.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 2007/90423 – Outline application for B1 (Offices) and B2 (General Industry) and hotel. Withdrawn.

2008/90695 – Outline application for B1 (a, b, c) and B2 use within a Continuing Care Retirement Community and Ancillary A1 use together with means of access, landscaping and change of site levels. Approved.

2011/92428 - Erection of two B2 (general industrial) /B8 (storage & distribution) use buildings (14,100 sq.m in total) with ancillary B1 offices, formation of access, car parking, drainage proposals, landscaping and the erection of a 6m high acoustic fence, gate house, substation, site compound and temporary stockpiling of fill materials and top soil on land to the east of the proposed buildings. Approved

2012/93087 - Extension to time limit to previous permission 2008/90695 for outline application for B1 (A,B,) and B2 use within a continuing care retirement community and ancillary A1 use together with means of access, landscaping and change of site levels. Approved

2014/90688- Outline application for the erection of commercial floor space(B1c, B2 B8) including details of engineering operations to form serviced employment plots and full application for 166 dwellings .Approved subject to a Section 106 Agreement.

2018/90801 Reserved Matters application on industrial only scheme applying for access only. For determination on this agenda.

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

- 5.1 Additional highways modelling information has been submitted to justify the single access point, as requested by the Highways Service.
- 5.2 Some detailed revisions to the specifications of the access have been requested and should be available before the meeting, and will be presented and explained at that time.

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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). 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 Examination in Public began in October 2017. 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. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

Unitary Development Plan:

UDP allocation – The majority of the application site is allocated for Business and Industry (Policy B2), with the eastern and western boundaries (and a small amount of the southern boundary) of the site allocated as Buffer Zones (Policy B3).

BE1 – Good quality design

BE2 – New development to be in keeping with surroundings

BE11 – Materials

BE23 – New development should incorporate crime prevention measures

B1 – Employment needs

B2 – Allocation of land for business and industry

B3 – Buffer Zones

T10 – Highway safety

T16 – Pedestrian routes

T17 – Cycling provision

T19 – Parking standards

EP4 – Noise sensitive developments

EP6 – Noise levels

EP11 – Ecological landscaping

G6 – Contaminated land

NE9 – Trees

Emerging Local Plan

The site is allocated as a mixed use development (MX19290) on the Emerging Local Plan.

PLP3 Location of new development

PLP4 Providing infrastructure

PLP8 Safeguarding employment land and premises

PLP9 Supporting skilled and flexible communities and workforce.

PLP20 Sustainable travel

PLP21 Highway safety and access

PLP24 Design

PLP28 Drainage

PLP52 Protection and improvement of environmental quality

PLP53 Contaminated and unstable land.

National Planning Policy Framework (NPPF):

‘Core Planning Principles’

‘Decision taking’

Part 1 Building a strong, competitive economy

Part 4 Promoting sustainable transport

Part 8 Promoting healthy communities

Part 10 Meeting the challenge of climate change, flooding and coastal change

Part 11 Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 This application has been publicised by site notices, neighbour letters and within the local press.
- 7.2 To date there has been one letter of representation objecting to the scheme as the single access will concentrate more queuing traffic opposite his dwelling, than the previous 2 access points. Also states that the original scheme indicated buffer zones around the site and these should be restored.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways DM- See Assessment

8.2 Non-statutory:

Lead Local Flood Authority- Express concerns at the indicative drainage scheme that accompanied the indicative layout. (NB this application is for access only, and no layout is applied for. Also there is an extant condition on the Outline approval for the Industrial site (unaffected by this application) requiring the submission of drainage details for approval through condition).

9.0 MAIN ISSUES

- The justification for the substitution of one access to the industrial site, instead of two; and
- The detailed specifications for the single access ,and their acceptability

- The Variation to the Section106 Agreement

10.0 APPRAISAL

- 10.1. The only issues being considered at this stage is the suitability of a single access point off Leeds Road to serve the industrial site and whether this is arrangement is acceptable in terms of highway safety impacts and the operation of the site.
- 10.2. The applicants have provided a revised Transport Assessment which includes assessment of the inter-peak (12.00 to 13.00) and the HGV traffic generation. In terms of HGV movements, the TRICs data base is used to calculate the HGV arrivals and departures based on all B8 use.
 - AM peak
1 IN and 34 OUT compared with 1 IN and 9 OUT for the consented permission giving an increase of 24 vehicles
 - PM peak
17 IN and 11 OUT compared with 5 IN and 5 OUT for the consented permission giving an increase of 18 vehicles
 - Inter-peak (12.00 to 13.00) 3 IN and 7 OUT compared with 1 IN and 2 OUT for the consented permission giving an increase of 7 vehicles
- 10.3 The impact of HGV traffic on Sunny Bank Road is assessed as follows
If all the site is developed as B8, during the morning peak hour the number of additional HGVs driving along the aforementioned road will be 10, during the evening peak, 3 morning peak, and during the selected interpeak hour, 8.
- 10.4. Splitting the available GFA between B1c/B2 and B8 uses will bring 8 additional HGVs to Sunny Bank Road during the morning peak, 2 during the evening peak, and 7 during the selected inter-peak hour.
- 10.5 Removing condition 31 could therefore result in an additional 2 HGVs in the AM peak, 1 in the PM peak and 1 in the inter-peak.
- 10.6 Modelling of the access junction with Leeds Road has been undertaken for this assessment because access arrangements have changed significantly from what was proposed in the 2014 TA (the two accesses have been amalgamated into one). However the adjacent two signalised junctions on Leeds Road have not been remodelled. It is considered that this is not necessary as the two junctions were modelled as part of the 2014 TA with trip generation levels higher than for the all B8 scenario presented in this TA, which is the most likely scenario to happen if restriction for using all the GFA for B8 purposes is lifted
- 10.7 The highways justification for the single access point, and the location on that access is outlines above.
- 10.8 The Reserved Matters application, is for the siting (already demonstrated above) as well as the detailed specifics of the access and associated turning facilities. Clarification an some of the detail is being sought and plans updated.

This clarification should be received before the Committee date, and will be reported.

Variation to the Section 106 Agreement

10.13. The Section 106 Agreement attached to the 2014/90688 approval, which contained a section relating to the phasing of the development, including, the provision of the two accesses (now to be one), and undertaking any necessary earthworks to create a plateaued surface.

10.14. Given that the timing of the delivery of this access is within the S106 the variation to the Section 106 will need to be signed before any permission can be issued.

10.15. All of the contributions including highways and off site drainage improvements are still to be provided and the trigger points will not be changed. The only change relates to the provision of the offsite drainage works (£30,000 contribution), which are to be provided before the occupation of the 30th dwelling. The change is in the “definition” of the drainage scheme, which now requires the applicant to submit a scheme to the Council, and the payment shall not be made until the scheme has been approved. The Local Planning Authority has no objections to the amended definition, as the timing of the drainage works delivery is not delayed.

10.16 Whilst not covered by a condition, the earthworks and surfacing indicated to provide the two development plateaus, are considered to be satisfactory and would contribute towards the discharging that part “Phasing of Development” in the Section 106.

11.0 CONCLUSION

11.1 Recommend approval of Reserved Matters.

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

1. Development to commence within 3 years
2. Development to be complete in accordance with approved drawings.

Background Papers:

Application and history files.

Website link to be inserted here: <http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f90801+>