

Report of the Head of Strategic Investment**STRATEGIC PLANNING COMMITTEE****Date: 27-Sep-2018****Subject: Planning Application 2018/92176 Erection of industrial units 2 A,
Colliers Way, Clayton West, Huddersfield, HD8 9TR****APPLICANT**Dean Hair, R & D Sheet
Metals Ltd**DATE VALID**

04-Jul-2018

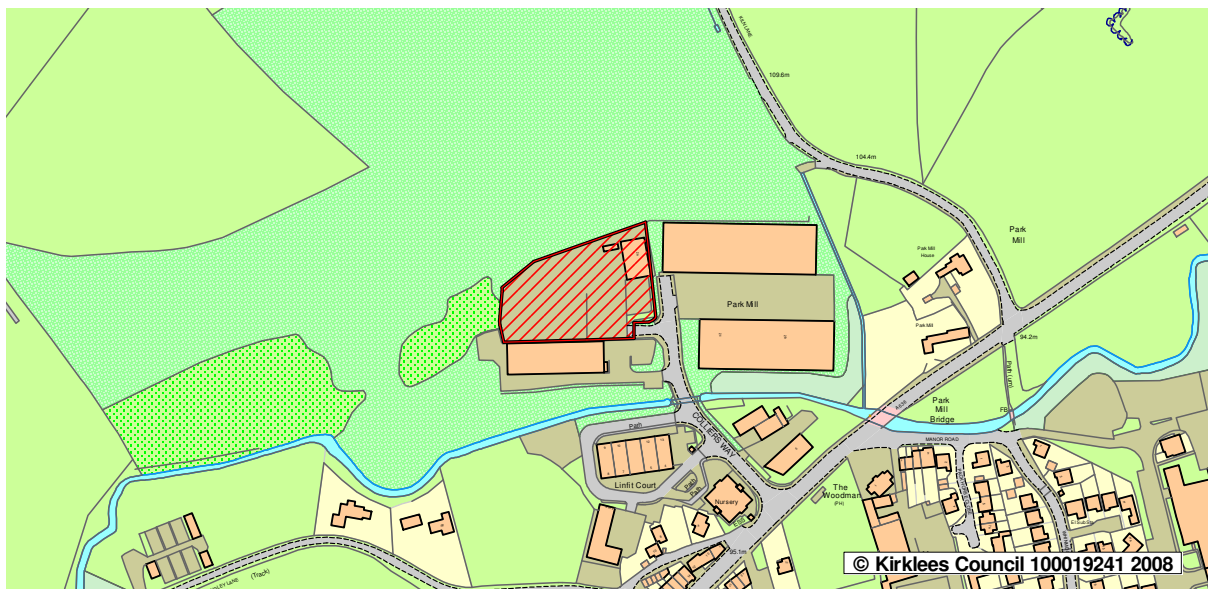
TARGET DATE

03-Oct-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: Denby Dale

Yes

Ward Members consulted

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 This application seeks full planning permission and is been brought to the planning sub-committee for determination as the site area exceeds 0.5 ha and relates to non – residential development.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site measures approximately 5,313 m² and is located on the north east periphery of Clayton West within an area which has a mixed residential/commercial character. Commercial uses are mainly concentrated to the north of Wakefield Road and to the south east off Manor Road, with residential concentrations to the south. The wider area comprises mainly open agricultural land. The closest residential properties are located approximately 125m to the south off Wakefield Road, 150m to the south west off Langley Lane and 200m to the south east of the site close to Kiln Lane. The site is currently used as an open yard area and includes a small commercial unit at the north east corner.
- 2.2 The site forms part of what was the former Park Mill Colliery and is located within a wider area which is identified as Derelict Land and a site for Business and Industry the Council's adopted Unitary Development Plan (UDP) and as a Priority Employment Zone in the Local Plan. Since the adoption of the UDP this allocation has now been significantly developed and the application site forms part of that wider development.
- 2.3 Access to the site would be gained via Colliers Way which is a two lane highway, which adjoins Wakefield Road and serves several other commercial premises in this area.

3.0 PROPOSAL:

- 3.1 The applicant proposes to build 4 new industrial units and an extension to the exiting building to form a loading bay. The development would comprise 4 linked units which themselves would be linked to the existing site building via the loading bay extension.

- 3.2 The new buildings would vary in size but all contain office and welfare facilities. The approximate dimensions of each have been summarised in the following table:

Unit No.	Length (m)	Width (m)	Height to Ridge (m)	Floor space (sq.m)
1	32.00	13.00	7.00	416
2	32.00	13.00	7.00	416
3	28.00	13.00	7.00	364
4	36.00	20.00	7.50	720
Loading Bay	15.00	10.00	6.50	150

- 3.3 The applicant has provided the following statement in support of the proposal:

R&D Sheet Metal Ltd are a well establish local business that carry out work throughout the country on specialist doors, prefabrications and all types of metal working. They are currently over two site in Clayton West and the new project will bring the two operations under one roof. This consolidations will allow the retention of the existing work force and the capacity to increase the staff and work load in the future. The investment in the new premises is approximately £2million which will bring construction jobs to the local area. The work will be carried out by local construction firms bringing jobs and income to the area. This type of investment by a local firm brings sustainable jobs and prospects to Kirklees.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

89/05060 - Change of Use from colliery operational land to general industrial purpose (Approved)

94/92356 - Construction of 195 metres of highway (approx) consisting of 7.3 metre wide carriageway and two 1.8 metre wide footways, construction of armco culvert and removal of existing culvert to create open watercourse (Approved)

96/93284 - Use of land for plant hire operation and erection of warehouse/office (Approved)

97/90311 - Use of land as haulage yard and erection of commercial vehicle garage/office (Refused)

98/90033 – erection of Works and Offices (Approved)

99/93404 - Erection of 2 industrial units (Approved)

2000/91910 - Erection of workshop and offices building (Approved)

2001/92985 - Erection of dust extraction unit, temporary storage building and formation of concrete apron (Approved)

2003/94724 - Erection of entrance foyer and alterations to roller shutter access door (Approved)

2005/93756 - Use of site for depot for storage and maintenance of portable accommodation units, storage yard and erection of office accommodation (Approved)

2005/94871- Erection of extension to existing office/warehouse (Approved)

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

5.1 During the assessment of this application and as a result of concerns raised in consultation responses, the following were secured through negotiations with the applicant.

- The submission of a Coal mining Risk Assessment

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 48 of the National Planning Policy Framework (2018). 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 (2018), 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.

6.2 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

B2 – Development of Land for Business and Industry
B1 – Employment Needs
BE1 – Design principles
BE2 – Quality of design
EP4 – Noise generating development
EP6 – Taking into account existing and predicted noise levels
G6 – Land contamination
T10 – Highway safety
T19 – Parking standards

6.3 National Planning Guidance:

NPPF Section 2. Achieving sustainable development
NPPF Section 12 Achieving well - designed places
NPPF Section 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change
NPPF Section 15. Conserving and enhancing the natural environment

6.4 Kirklees Publication Draft Local Plan (KPDLP): Submitted for examination April 2017

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
PLP19 – Strategic transport infrastructure
PLP 21 – Highway safety and access
PLP22 - Parking
PLP24 - Design
PLP 30 – Biodiversity and Geodiversity
PLP52 – Protection and improvement of environmental quality

7.0 PUBLIC/LOCAL RESPONSE:

7.1 This application was publicised by the erection of 2 site notices in the vicinity of the site the mailing of 4 neighbourhood notification letters and an advertisement in the local press. No representations from the public have been received with regard to this proposal.

7.2 Denby Dale Parish Council was consulted with regard to this development in its response the Council responded as follows:

“No objections subject to appropriate drainage plans being put in place”

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Highways DM – No objection subject to the inclusion of the following planning conditions:

- The buildings shall not be occupied until the proposed car park hereby approved shall be laid out, surfaced, marked out into bays and drained in accordance with details that have previously been approved in writing by the Local Planning Authority.
- Prior to development being brought into use turning facilities shall be provided in accordance with the details shown on drawing no 1859 - 02. The turning facilities shall thereafter be made available for use at all times by vehicles and shall be kept free from obstruction to such use.

The Coal Authority- No objection subject to planning conditions which require:

- Intrusive site investigations and ground gas monitoring prior to the commencement of development
- The submission of a proposed mine shaft remediation scheme

8.2 Non-statutory:

K.C. Environmental Health – No objection subject planning conditions which require that:

- A contaminated land survey is carried out before development commences and any contamination found is safely dealt with
- Hours of operation at the site are restricted to 1830 Monday to Friday and 0800 to 1300 Saturdays. No activities shall take place on Sundays or Bank Holidays.
- Electric vehicle charging points are installed

K.C. Biodiversity Officer – No objection subject to a planning condition which requires the submission of a scheme requiring the provision of bat roost features within the development.

K.C. Strategic Drainage – No objections subject to the inclusion of the following planning condition:

- Development shall not commence until a scheme detailing foul and surface water drainage, (including outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, existing drainage to be maintained/diverted/abandoned) has been submitted to and approved in writing by the Local Planning Authority. None of the buildings shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the buildings relate and thereafter retained.

9.0 MAIN ISSUES

- Principle of development
- Local amenity
- Highway issues
- Drainage issues
- Ecological issues
- Contamination issues
- Representations

10.0 APPRAISAL

Principle of development

- 10.1 The application site is located within an area specifically identified for business and industry in the adopted UDP. The principle of developing the site for such a purpose has therefore been established.
- 10.2 Paragraph 80 of the NPPF indicates 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, taking into account both local business needs and wider opportunities for development.

This is reflected in, Policy B1 of the UDP which indicates that the employment needs of the district will be met by providing land to accommodate the requirements of new and existing businesses

- 10.3 As this proposal would positively contribute towards the local economy in terms of jobs and investment, it is therefore considered that, subject to this proposal not compromising the key sustainable development principles set out in the NPPF or relevant UDP and local plan policies, this proposal is acceptable in principle.
- 10.4 Due to the stage that the Local Plan has reached with regard to the examination process, it must now be given considerable weight in the consideration of planning applications. The implications of this proposal on the plan must therefore be considered. As this site is allocated as a Priority Employment Area within the Local Plan there is no conflict.
- 10.5 Local Amenity Issues
- 10.6 UDP Policies BE1 and BE2 are considerations in relation to design, materials and layout. Section 12 of the NPPF indicates that good design is a key aspect of sustainable development and that poorly designed development should be refused.
- 10.7 The area surrounding the application site exhibits a variety of architectural styles both contemporary and more traditional involving the use of different facing materials including stone, brick and metal cladding. Commercial premises in the immediate vicinity of the site include buildings constructed from materials similar to this proposal.
- 10.8 The proposed buildings are of a contemporary design making use of materials which are fairly typical for this type of development and their scale would be similar to others in the immediate vicinity. Officers therefore consider that this development would not be out of keeping within the wider setting which, as indicated, includes similar buildings. It is therefore considered that this proposal would not appear as a discordant feature within the area and would not detrimentally affect visual amenity. Consequently it would therefore accord with policies BE1 or BE2 of the UDP, Policy PLP24 of the KPDLP and national policy guidance contained in Section 12 of the NPPF.
- 10.8 This proposal would result in a substantial development on the site. However, due to the local topography and the screening effects of existing vegetation and buildings, the proposed development would not be prominent in the landscape and only visible from close quarters from Colliers Way and from limited view points within the wider landscape .
- 10.9 The site is located within an area that has a mixed commercial/residential character and forms part of a wider group of commercial uses that are on the periphery of the settlement. Due to the orientation, the surrounding topography and existing screening effects, the nearest residential properties do not overlook the application site.
- 10.10 Whilst residential properties are some distance from this site, noise associated with this development could detrimentally affect the occupants of properties. It is therefore proposed to restrict hours of operation to those indicated in Section 8.2 above and to require the submission of a noise assessment which shall include:

- an assessment of noise emissions from the proposed development

- details of background and predicted noise levels at the boundary of noise sensitive properties
- a written scheme of how the occupants will be protected from noise from the proposed development with noise attenuation measures as appropriate

Subject to the inclusion of such a condition it is considered that this proposal would accord with UDP policies EP4 and EP6, KPDLP policy PLP52 and Section 15 of the NPPF with regard to its potential impact in connection with noise.

10.12 Highway issues

10.13 The site is served by an existing access road which provides adequate facilities for two HGVs to pass within the site. The applicant proposes to use this access and provide additional off street car parking spaces (16) and additional turning facilities.

10.14 It is considered that the proposed access, parking and manoeuvring arrangements are adequate for a development of this nature. Officers consider that subject to the inclusion of planning conditions to control the issues detailed in paragraph 8.1 the proposal would accord with UDP policies T10 and T19 and KPDLP policies PLP 21 and PLP22 with regard to the potential impact this development would have on the local highway network.

10.15 Drainage and flood risk issues

10.16 The application site is located within Flood Zone 1 and is therefore at very low risk of flooding. It is therefore considered that this proposal would not have any significant detrimental impact on water regimes in the vicinity as a result of flooding.

10.17 The site forms part of an existing commercial complex and it is assumed that this development would connect to existing drainage infrastructure. However this application is not supported by a drainage scheme and the implications of connecting to the existing infrastructure has not been fully assessed. It is considered that this matter can be satisfactorily dealt with via a planning condition as indicated in section 8.2 of this report.

10.18 It is therefore considered that this proposal would accord with Section 10 of the NPPF with regard to drainage and potential flood risk.

10.19 Air Quality

10.20 This development has been assessed in accordance with the West Yorkshire Low Emission Strategy Planning Guidance. The size of the development is less than that of prescribed values set out in this document, which is why it is regarded as a minor development. However, to offset the impact on air quality in the area it is proposed to require the installation of 1 electricity vehicle charging point in 10% of parking spaces.

10.21 Officers consider that subject to the measures outlined above, this proposal would accord with KPDLP policy PLP 51 and Section 11 of the NPPF with regard to any detrimental impact on air quality associated with this development.

10.22 Ecological issues

10.23 Due to the nature of the site, it is unlikely to support any significant habitat opportunities for local ecology. However it is considered that this proposal offers an opportunity to secure enhancements to local biodiversity. The site is close to open areas which could provide foraging opportunities for bats and is itself located within an area which has been identified as likely to be important to bats. It is therefore proposed to require the submission of a scheme which would outline measures to enhance bat roosting opportunities as part of the development. It is therefore considered that this proposal accords with UDP policy D2 and KPDLP policy PLP 30 and Section 15 with regard to its potential impact on local ecology.

10.24 Contamination issues

10.25 The site is located on part of what was a former colliery site and it is therefore likely that a degree of site contamination exists. The applicant has submitted a contaminated land report in support of this proposal, however as this was completed a number of years ago it is proposed to require further updated information via planning condition. This will identify what contaminants are likely to be present, whether further intrusive investigations are required and the measures to be employed to deal with any contamination found. Officers consider that subject to the inclusion of such a condition this proposal would accord with KPDLP policy PLP 53 and Section 15 with regard to its potential to allow contaminants to be released during the development of the site.

10.26 Representations

No representations have been received with regard to this proposal

11.0 CONCLUSION

11.1 The proposal would have the potential to enhance the local economy through the safeguarding of existing employment and potentially increasing employment opportunities. The design of the proposed new units is considered to be satisfactory and it is considered that the development would not appear as incongruous within this particular setting, which has similar structures within close proximity. The site is allocated for industry in the adopted UDP and as a priority Employment area in the Local Plan and this proposal therefore accords with the development Plan. Furthermore it is considered that this development would not have a significant detrimental effect on local amenity, the local environment or highway safety.

11.2 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.

11.3 The proposed development has been assessed against relevant policies in the development plan and other material considerations. It is considered that the

proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) and is therefore recommended for

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

1. Standard 3 years to implement permission
2. Standard condition requiring development to accord with approved plans
3. No development on the buildings superstructure until samples of facing and roofing materials have been approved.
4. Development not to be brought into use until areas to be used by vehicles/pedestrians have been surfaced and drained
5. Development not to be brought into use until vehicle turning facilities have been implemented.
6. The submission of a scheme providing drainage details for the site.
7. The submission of a Phase I contaminated land study
8. The implementation of an intrusive contaminated land survey if required.
9. The submission of a site remediation strategy if required
9. Implementation of site remediation strategy if required
11. Submission of remediation validation if required
- 12 Investigation of coal mining legacy issues involving intrusive investigation, the implementation of remedial works if required and proposed mitigation measures.
13. Hours of operation restricted to 1830 Monday to Friday and 0800 to 1300 Saturdays. No activities shall take place on Sundays or Bank Holidays.
14. The installation of electric vehicle charging points.
- 15 The submission of a scheme detailing the provision of bat roost opportunities.
16. The submission and approval of a landscaping scheme (including maintenance arrangements).

Background Papers:

Application and history files.

Website link - <http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f92176>

Certificate of Ownership – Certificate A signed: 28 June 2018