
Report of the Head of Strategic Investment**STRATEGIC PLANNING COMMITTEE****Date: 27-Sep-2018****Subject: Planning Application 2018/92005 Demolition of existing industrial units and erection of new industrial units and formation of car parking Flush Mills, Westgate, Heckmondwike, WF16 0EN****APPLICANT**Simon Kunz, Wharfedale
Limited**DATE VALID**

05-Jul-2018

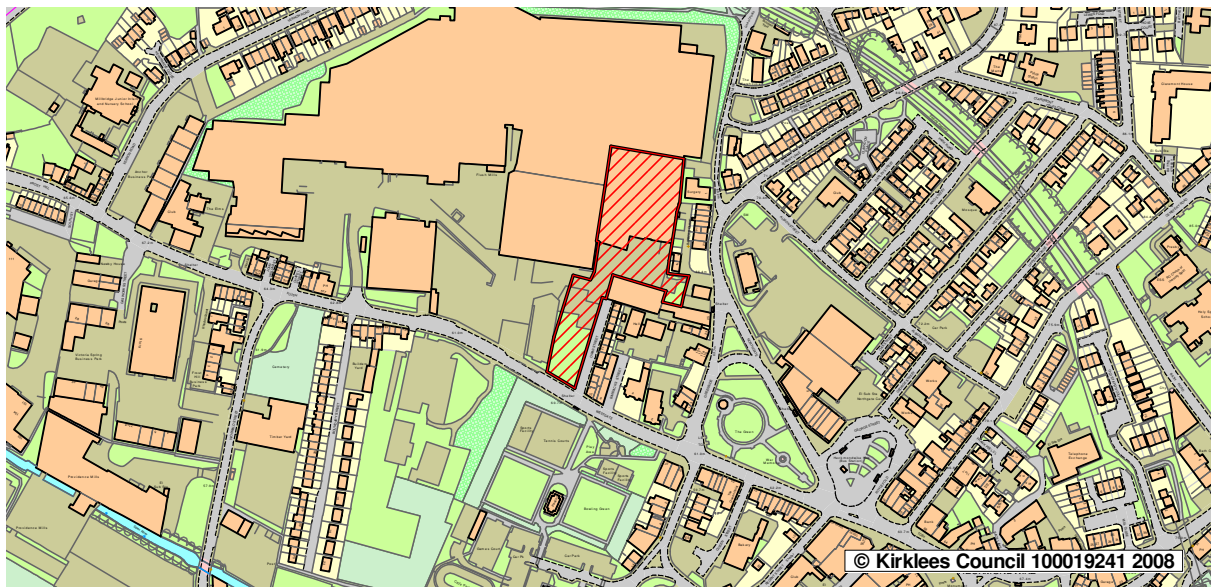
TARGET DATE

04-Oct-2018

EXTENSION EXPIRY DATE

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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: Heckmondwike

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 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 existing units 23 – 28a are in occupation by one tenant and are used as a factory for production of greeting card and associated printed products. The application site is located approximately 0.5 kilometres north west of the centre of Heckmondwike within a setting which has a high density mixed residential/commercial character and forms part of an existing complex of industrial uses which are concentrated in this part of Heckmondwike. Industrial and commercial uses bound the site to the north and west. The nearest residential properties are situated immediately to the east of the site off Greenside and to the south east off Omar Street. Other residential uses are located at greater distance to the north east off Jeremy Lane. The site itself comprises a group of old industrial red brick buildings which appear to have been in situ since the 1930's. The existing units (23-28a) comprise 3690 sq m at single storey level.
- 2.2 The site forms part of what was a large textile mill but has been sub-divided into a number of smaller separate commercial units over time. It is unallocated in the Council's adopted Unitary Development Plan (UDP) and is identified as a Priority Employment Area in the Local Plan.
- 2.3 Vehicular access to the site would be gained via the existing arrangements off Westgate which serves the existing units and a number of others within the same complex.

3.0 PROPOSAL:

- 3.1 The applicant proposes to demolish existing site buildings and build 2 new industrial units on the same footprint. The buildings would be of a typical design involving the construction of a steel frame with brick walling up to a height of just over 2m, the remainder of the building being covered with metal profile cladding.

- 3.2 The new buildings would be similar in size and 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	55	21.5	10	1768
2	55	20	10	1753

- 3.3 The applicant has provided economic justification for the development and has stated as follows:

The estimated number of jobs to be created is 10 over the next 12 month trading period which will be highly skilled in the acoustic and engineering sectors with further business expansion projected to increase employment numbers by 10-20 over the next 5 years. The applicant intends for the adjacent tenant unit 17, Wakefield Acoustics, to occupy at least half of the new footprint with the installation of crane facilities to facilitate their expanding production needs. The redevelopment will provide useable floorspace (3,521 m sq compared to the existing 3690m sq) all on one floor level where it currently steps between the individual units. The development will enable improved efficiency in production, improve the profitability and sustainability of the tenant businesses and will encourage financial growth.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 Whilst a number of planning applications have been made for various parts of the wider industrial complex there is no history of planning applications being submitted with regard to this part of the site during the last 25 years.

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

- 5.1 N/A

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:

D2 – Development of sites without notation on the proposals map
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 33 neighbourhood notification letters and an advertisement in the local press. This resulted in 2 representations being received. The issues raised can be summarised as follows:

- The new proposal would have a greater overshadowing effect and therefore affect the light received by adjacent residential properties
- The proposal may result in noise nuisance being experienced by neighbouring residential properties

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 CCFM-MWA-XX-XX-DR-A-0006. 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:

- The submission of a report of findings arising from the intrusive site investigations and any remedial works and/or mitigation measures considered necessary (which may include shaft stabilisation / treatment and capping specifications, together with specific foundations designs to be incorporated),
- The submission of a layout plan which identifies the location of these mine entries and their resultant zones of influence and how these relate to the development proposed;
- Implementation of the remedial works and/or mitigation measures.

8.2 **Non-statutory:**

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

- Any contamination found during development of the site is safely dealt with
- Provision is made for electric charging points
- The submission of a travel plan which includes mechanisms to discourage high emission vehicle use

K.C. Biodiversity Officer – No Objection

K.C. Strategic Drainage – Does not object in principle but has indicated that further information is required prior to determining the application with regard to the current drainage arrangements.

9.0 **MAIN ISSUES**

- Principle of development
- Local amenity
- Highway issues
- Drainage issues
- Air Quality issues
- Ecological Issues
- Contamination issues

- Representations

10.0 APPRAISAL

10.1 Principle of development

The application site is without notation on the UDP proposals map and it is therefore considered that the principal policy determining the suitability of this proposal is D2 which indicates that development on such land will be permitted provided that the proposals do not prejudice:

- i the implementation of proposals in the plan;
- ii the avoidance of over-development;
- iii the conservation of energy;
- iv highway safety;
- v residential amenity;
- vi visual amenity;
- vii the character of the surroundings;
- viii wildlife interests; and
- ix the efficient operation of existing and planned infrastructure.

- 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 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. This proposal is in accordance with the local plan as it falls within an area allocated as a Priority Employment Area which seeks to encourage the provision of uses likely to generate employment.

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.
- 10.9 This proposal would result in a substantial re-development of the site. However, due to the screening effects of existing buildings, the proposed development would not be prominent in the wider landscape and only visible from close quarters. Having said this, the site is currently occupied by buildings of a similar scale and the impact on visual amenity must therefore be considered in this context.
- 10.10 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 have been concentrated within this part of Heckmondwike for decades. However, it is important to ensure that the proposed development should not create significant increases in noise levels which could cause nuisance to nearby residential properties. It is therefore proposed to include a planning condition requiring that the combined noise from internal activities and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. 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.
- 10.11 With regards to potential impacts upon the nearest residential properties to the site from overshadowing or over-dominance, the closest dwellings are located to the east of the site and front Greenside, Barber Square and Cook Lane. The site abuts existing commercial, business and industry to the west, north and majority of the southern boundary. The ridge height of the proposed building will be 9.70 above floor slab level with the eaves being at 8.30m. The ridge is slightly lower than the existing along the eastern elevation and is no closer to the dwellings therefore will have no additional impact upon residential properties in terms of overshadowing or overbearing impact.
- 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 an additional 54 off-street car parking spaces 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 applicant has not provided details of how the site will be drained and it is therefore assumed that existing drainage infrastructure will be utilised. However, it is considered that in order to ensure that satisfactory drainage arrangements are provided it is proposed to include a planning condition which requires the submission of a drainage scheme prior to any development commencing.

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 more than that of prescribed values set out in this document. This proposal is therefore regarded as a 'medium development' for the purposes of the above document. In order to offset the potential damage to air quality as a result of this proposal it is proposed to seek, via planning condition, the following:

- The installation of 1 charging point in 10% of parking spaces
- A Travel Plan which includes: mechanisms for discouraging high emission vehicle use and encouraging modal shift (i.e. public transport, cycling and walking) as well as the uptake of low emission fuels and technologies.

10.21 Officers consider that subject to the measures outlined above, this proposal would accord with KPDLP policy PLP 51 and Section 15 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, following concerns raised by the Council's Biodiversity Officer, the applicant has provided a bat scoping survey. This confirms that this site is unlikely to provide roosting or foraging opportunities for local bat populations. Officers have reviewed this document and agree with its conclusions. 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 Due to the previous use of this site it is likely that the site will be contaminated. However as the proposed development is not considered to involve a sensitive receptor, it is considered that site contamination can be adequately dealt with by planning condition. The condition would require that if, during the development of the site, any contamination is discovered then adequate measures are implemented to safely deal with it. 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

The new proposal would have a greater overshadowing effect and therefore affect the light received by adjacent residential properties.

Response: Whilst the design of the roof on the new buildings is different from the existing buildings, the overall height of the proposal would not exceed that of the original buildings. It is acknowledged that the current roof design presents less of a mass on this elevation, however the proposed development would be sited away from the boundary of the site. It is therefore considered that the overshadowing effect of the proposed units would not be significantly greater than that currently experienced.

The proposal may result in noise nuisance being experienced by neighbouring residential properties

Response: See 'Local amenity issues' section of this report.

11.0 **CONCLUSION**

- 11.1 The proposal would have the potential to enhance the local economy through the safeguarding of existing employment. 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. 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 approval.

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. Access to the site to only be taken from the existing site access with blocking up of existing loading bay
7. The submission of a scheme providing drainage details for the site.
8. The implementation of an intrusive contaminated land survey.
9. The submission of a site remediation strategy if required
10. 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. The installation of electric vehicle charging points and the provision of a low emissions travel plan

Background Papers:

Application and history files.

Website link – <http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f92005>

Certificate of Ownership – Certificate A signed: 18 June 2018