
Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 09-May-2019

Subject: Planning Application 2018/93597 Change of use from builders yard and warehouse to (A1) shop, erection of warehouse, formation of car parking, designated loading area and hard landscaping display area Myers Group Ltd, Barr Street, Huddersfield, HD1 6PB

APPLICANT

Mr Berry, Myers Group
Ltd

DATE VALID

15-Jan-2019

TARGET DATE

16-Apr-2019

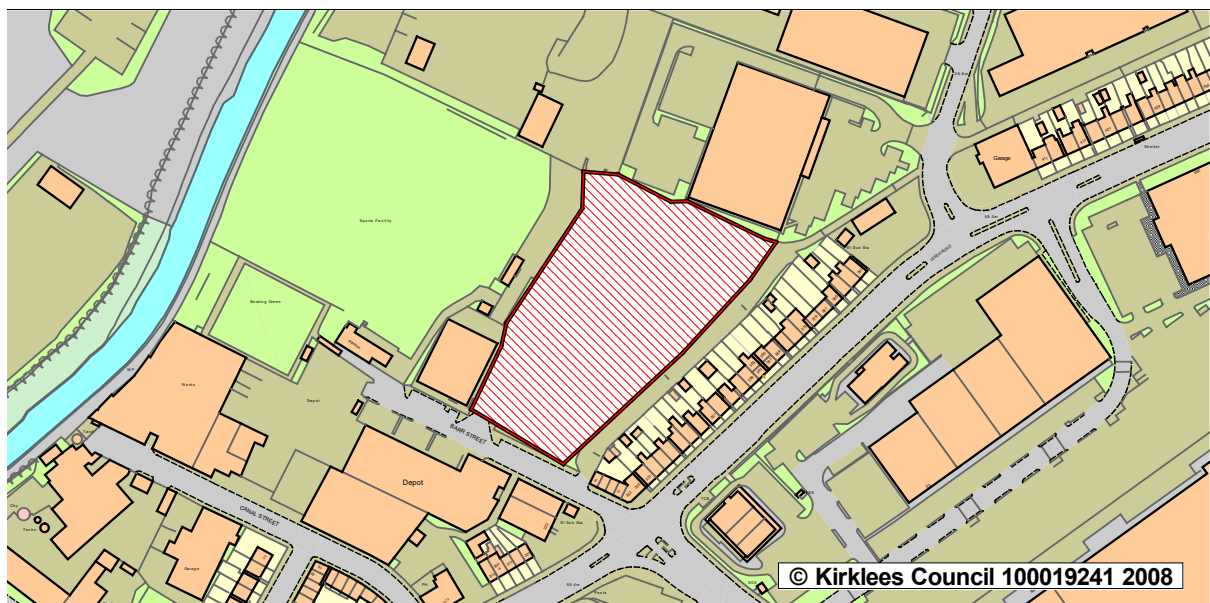
EXTENSION EXPIRY DATE

20-May-2019

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: Dalton

Yes

Ward members notified

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:

This application is brought to the Strategic Planning Committee as the proposal is non-residential and exceeds 0.5ha.

2.0 SITE AND SURROUNDINGS:

2.1 The application site is located approximately 1.5 kilometres north east of Huddersfield Town centre within the south western sector of a complex of industrial, commercial buildings and open yard areas associated with the applicant's wider commercial activities which include warehouses, skip hire timber and building products yards and a ready mix concrete plant. The application site occupies an area of approximately 9177m² and comprises a large surfaced yard, and associated buildings. The immediate wider area surrounding the site is commercial in character although there are residential properties to the south and south east off Leeds Road. The closest of these are approximately 26m from the site.

3.0 PROPOSAL

3.1 The applicant proposes to demolish an existing metal storage building and construct a new single storey warehouse for specialist timber merchant supplies. This new warehouse would adjoin an existing workshop which would be refurbished and used in connection with this proposed use A1 retail use.

3.2 The new building would measure approximately 21m x 48m and would be approximately 7m high to the ridge. The existing workshop building would be clad using metal profile cladding to match the new building.

3.3 The proposal would also include the provision of car parking spaces (16 and 3 disabled), a designated loading area and a hard landscaping display area.

3.4 Customer access would be taken via Barr Street and access for deliveries would be taken from the existing site access via Red Doles Lane. A one way system would be introduced to improve on site vehicular circulation

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 The application site forms part of a much larger commercial site operated by the applicant which has seen a significant number of planning applications. However, the following applications involve the area within this application boundary or affect land within the immediate vicinity:

95/92633 - Change of use to offices, training centre workshop and warehouse (Granted)

2002/91078 – Erection of extensions, alterations and formation of additional parking (Granted)

2003/90765 – Erection of third floor office extension (Granted)

2005/90664 – Erection of two storey curtained trailer units for dry storage (Granted)

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

- 5.1 Negotiations during the assessment of this application resulted in the submission of additional information to clarify the current level and nature of the retail/trade counter sales which already take place at the wider commercial site.

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 is the Kirklees Local Plan which was adopted by the Council on 27 February 2019.

- 6.2 Kirklees Publication Local Plan (KLP): Submitted for examination April 2017

PLP3 – Location of new development

PLP8 – Safeguarding employment land and premises

PLP13 – Town centre uses

PLP 21 – Highway safety and access

PLP27 – Flood Risk

PLP28 - Drainage

PLP51 – Protection and improvement of air quality

PLP52 – Protection and improvement of environmental quality

6.3 National Planning Guidance:

Section 6 – Building a strong, competitive economy

Section 12 – Achieving well designed places

Section 14 – Meeting the challenge of climate change, flooding and coastal change

Section 15 – Conserving and enhancing the natural environment

6.4 Other Guidance

West Yorkshire Air Quality Emissions Strategy and associated technical planning guidance

7.0 **PUBLIC/LOCAL RESPONSE:**

7.1 This application was publicised by the erection of 3 site notices in the vicinity of the site and the mailing of 28 neighbourhood notification letters. Two representations have been received from members of the public which raise the following concerns:

- This proposal has the potential to increase noise levels as a result of the use of dust extraction equipment
- The increase in traffic associated with this proposal would compromise highway safety in the vicinity of the site

7.2 Ward members have been consulted on the proposal but no comments have been received.

8.0 **CONSULTATION RESPONSES:**

8.1 **Statutory:**

K C Highways DM – No objection

Lead Local Flood Authority – No objections subject to planning conditions which require:

- the submission and approval of a foul, surface water and land drainage scheme prior to development commencing.
- prior to occupation of the development the submission and approval of a flood evacuation plan

The Coal Authority – No objection

Environment Agency – No objection subject to the inclusion of a planning condition which requires that the development is carried out in accordance with the supporting Flood Risk Assessment

The Health and Safety Executive – No objection

8.2 **Non-statutory:**

K C Environmental Health – No objections subject to conditions that require:

- potential on site contamination being investigated and, if necessary, mitigated against;
- the submission and agreement of measures to mitigate the impact of noise with regard to the nearest residential properties
- the submission and agreement of any extraction ventilation equipment
- mitigation measures being implemented to offset the damage to air quality resulting from this proposal; and
- restricting hours of operation to:
 - 07:00 to 17:30 Mon to Saturday
 - 10:00 to 16:00 Sundays

9.0 **MAIN ISSUES**

- Principle of development
- Local amenity
- Design
- Highway issues
- Flood Risk/Drainage issues
- Representations

10.0 **APPRAISAL**

10.1 Principle of Development

10.2 The site is identified as forming part of Priority Employment Area (PEA) HUD14 in the local plan and Local Plan policy PLP8 is therefore relevant to this proposal. This seeks to safeguard such sites from other non-employment generating uses in order to prevent the permanent loss of employment generating development opportunities. In this case, the proposal would be associated with the wider commercial activities of the applicant and will safeguard and potentially increase employment as part of a wider expansion programme. It is therefore considered that this proposal does not therefore conflict with the aims of Policy PLP8

10.3 This proposal involves an element of A1 retail use and as the site is outside a town centre it could prejudice the Council's aims to concentrate such uses within existing town or local centres. However, in this case, the site already includes a trade counter element and the existing floor space is being re-located within the existing wider site and is being reduced by approximately 30%. Furthermore the use of the retail unit is solely for the sale of goods associated with the wider use of the Myers site (e.g. bulky goods and building materials). It is therefore considered that subject to restricting the retail sale of goods to building and DIY products, a full sequential test analysis is not required. Consequently it is considered that this proposal does not conflict with Local Plan Policy PLP13

- 10.4 It is therefore considered that, in principle, this proposal is acceptable subject to there being no conflict with other relevant Local Plan or national planning policy guidance.
- 10.5 Local Amenity Issues
- 10.6 The site is located within an area which is predominantly commercial in character. However there are residential properties to the south and south east of the site off Leeds Road, the nearest being approximately 26m from the site. Current permitted activities on site includes offices, warehousing HGV parking and open yard area. Whilst this proposal would introduce a different use to this part of the wider site, it is considered that the associated noise would not have any significant increase on the existing noise climate, bearing in mind existing and surrounding commercial uses.
- 10.7 As previously indicated, the character of the area in the vicinity of the site is predominantly commercial and includes manufacturing activities, haulage activities and cement manufacture. Consequently the visual amenity of the area has already been significantly influenced by these uses.
- 10.8 The site is screened by existing development and mature trees and vegetation which offers an effective screen and direct views of the site from the wider landscape to the north and from the canal towpath are limited. Whilst the effectiveness of this screen would reduce during the autumn and winter the vegetation would still filter views of the site. However the site can be viewed from the rear of residential properties off Leeds Road. Having said this, views from these properties are currently affected by existing commercial buildings and by open storage within the yard which includes a significant amount of HGV parking and skip storage.
- 10.9 Consequently, whilst this proposal would introduce a new building, different activities and machinery to this part of the wider commercial site, based on the current character of the area and the screening provided by existing buildings and vegetation, it is unlikely that this proposal would have a significant detrimental impact on the visual amenity of the nearest residents. The proposal would therefore accord with Local Plan policy PLP52, with regard to the development's potential impact on visual amenity.
- 10.10 This proposal has the potential to generate dust which could have a detrimental impact on the amenity of the area. The principal Sources of airborne dust associated with the proposed operations, in the absence of mitigation, include:
- material delivery, handling and transfer;
 - timber cutting
 - site plant and haulage movements; and
 - road transport
- 10.11 It is considered that, as a result of increased vehicle movements to and from the site, this proposal would result in a negative effect on local air quality. However, it is considered that, in accordance with the West Yorkshire Air Quality Emissions Strategy, mitigation to offset this level of damage could be adequately provided in association with this proposal. It is therefore proposed to require the provision of electrical vehicle charging points and a travel plan which discourages the use of high emission vehicle use.

10.12 Whilst it is acknowledged that this proposal would have a negative impact on air quality in the vicinity of the site, officers consider that the generation of dust could be adequately controlled via on site control measures and the impact associated with vehicle emissions would be adequately offset via the introduction of the mitigation measures.

10.13 It is therefore considered that this proposal would accord with Local Plan policies PLP 51, PLP52 and Section 15 of the NPPF with regard to its potential impact on local amenity.

10.14 Design Issues

10.15 Section 12 of the NPPF indicates that good design is a key aspect of sustainable development and that poorly designed development should be refused.

10.16 The area surrounding the application site exhibits a variety of architectural styles both contemporary and more traditional involving the use of different facing materials and existing commercial buildings in the immediate vicinity include similar materials to this proposal.

10.17 The proposed building is of a utilitarian design making use of materials which are fairly typical for this type of development. The new building would be of a similar scale to others within the wider site and the surrounding area and the proposed external refurbishment of the existing site buildings would mirror other buildings in the immediate vicinity. Officers therefore consider that this development would not be out of keeping with the wider setting which, as indicated, includes similar buildings, and would not appear as a discordant feature within the area and would not therefore have a significant detrimental impact on visual amenity.

10.18 As previously indicated there are a number of residential properties approximately 26m from the closest part of this development. However, the existing site building does not contain windows on this elevation which can overlook these properties and the blank gable end of the new building would face these properties. At its ridge the new building would be approximately 2m higher than the existing adjacent building. However, its overall scale would be similar to others within the wider setting and it would not have an overbearing effect on the closest residential properties.

Consequently the development would accord with Local Plan policy PLP24, and national planning policy guidance contained in Section 12 of the NPPF with regard to design.

10.19 Highway issues

10.20 The site is currently accessed via a purpose built access which adjoins Red Doles Lane although, if required, access can also be gained via Barr Street.

10.21 To improve site logistics, the applicant proposes that the customer entrance will be relocated to the existing entrance at Barr Street, which is currently used to access the existing headquarters and offices. Access for delivery vehicles would continue to be from Red Doles Lane, to the north of the site. In conjunction with this change in access, a one-way system is proposed for the site, as well as 16 no. car parking spaces (including 3 no. disabled spaces) and a dedicated loading area. It is considered that improvements to internal access and additional off-street parking are acceptable from a highways point of view.

- 10.22 The existing access from Red Doles Lane is a two lane surfaced access road which runs for approximately 100 metres from its junction with the adopted highway. The access provides adequate visibility in both directions and allows two heavy vehicles moving in opposite directions to pass.
- 10.23 The junction of Barr Street and Leeds Road is controlled by traffic signals, and on-site observations showed that up to eight vehicles queued at the lights during peak hours. However, all eight vehicles were able to exit the site in one green phase of the lights. Officers therefore consider that any intensification of use of this section of highway brought about by the proposed development will not have a significant detrimental effect on the local highway network.
- 10.24 It is therefore considered that the access arrangements proposed would not have a significant detrimental impact on highway safety in the area and would therefore accord with Local Plan policy PLP21 with regard to this development's potential impact on highway safety.

10.25 Drainage issues and flood risk

- 10.26 As the application site falls principally within Flood Zone 2 the 'Sequential Test' must be applied. This is principally designed to steer development away from flood prone areas where possible. However, Planning Practice Guidance indicates that a pragmatic approach should be taken with regard to the availability of alternative sites and the individual circumstances of a proposed development should be considered. The applicant has indicated that to move this development to a less vulnerable area would be impractical and have an adverse impact on the business development which could hinder future employment and the local economy.

Consequently it is considered that, in this case, the sequential test has been satisfactorily considered and that the exceptions test can therefore be considered with regard to the proposal.

- 10.27 Paragraph 159 of the NPPF indicates that if it is not possible to locate development in zones with a lower flood risk the exception test may need to be applied. Paragraph 160 further advises that for the exception test to be passed it should be demonstrated that:
- the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
 - the development will be safe for its lifetime taking into account the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 10.28 However, in this case as the proposed use is considered to be less vulnerable as indicated in Planning Practice Guidance, the development is considered to be appropriate in this location and the application of the exception test is not necessary in this instance.

10.29 The applicant has provided a Flood Risk Assessment (FRA) in support of this proposal which concludes that this development can be implemented without increasing flood risk in the surrounding area. This FRA has been reviewed by the Lead local Flood Authority and the Environment Agency and its conclusions are considered to be acceptable. Consequently it is considered that this proposal would accord with Local Plan Policies PLP 27 and PLP28 with regard to its potential impact on flood risk and drainage.

10.30 Representations

This proposal has the potential to increase noise levels as a result of the use of dust extraction equipment

Response: this matter has been considered in the “Local Amenity Issues” section of this report

The increase in traffic associated with this proposal would compromise highway safety in the vicinity of the site

Response: this matter has been considered in the “Highways Issues” section of this report

11.0 CONCLUSION

11.1 The site has long been in industrial/storage use as part of the Myers Group builder’s merchant’s complex. The proposed development seeks to bring some of the existing storage into a purpose-built warehouse for specialist timber merchant supplies, whilst refurbishing and converting the existing workshop to serve the ancillary trade/showroom facility.

11.2 This proposal will allow the creation of a new purpose built materials recovery facility on land currently used in association with trade counter operations and the applicant has indicated that this proposal would improve the efficiency of the site as well as safeguarding and potentially creating new jobs.

11.3 It is considered that the design of the development is appropriate for this setting and that the proposal would not have a significant adverse impact on local amenity, highway safety or local flood risk.

11.3 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.

11.4 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development 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 for implementation
2. Condition restricting permission to the applicant
3. Development to be carried out in accordance with approved plans
4. Retails sales being restricted to bulky building products
5. A suite of conditions to deal with any on site contamination
6. The submission and approval of a scheme to protect the nearest residential properties from noise prior to development commencing
7. A condition requiring the development to be completed in accordance with the supporting FRA.
8. A condition requiring the submission of a surface water, foul water and land drainage scheme
9. Details of a flood evacuation plan
10. The submission and approval of a waste management plan
11. No activities to take place at the site outside the following hours:
07:00 to 17:30 Mon to Saturday
10:00 to 16:00 Sundays
12. Details of any extract ventilation systems to be submitted and approved
13. The provision of electric vehicle charging points
14. The provision of a Low emission travel plan

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f93597>

Certificate of Ownership –Certificate A signed 26 October 2019