
Report of the Head of Strategic Investment**STRATEGIC PLANNING COMMITTEE****Date: 09-May-2019****Subject: Planning Application 2019/90181 Erection of material recovery/recycling facility Myers Group Ltd, Barr Street, Huddersfield, HD1 6PB****APPLICANT**Mr Berry, Myers Group
Ltd**DATE VALID**

21-Jan-2019

TARGET DATE

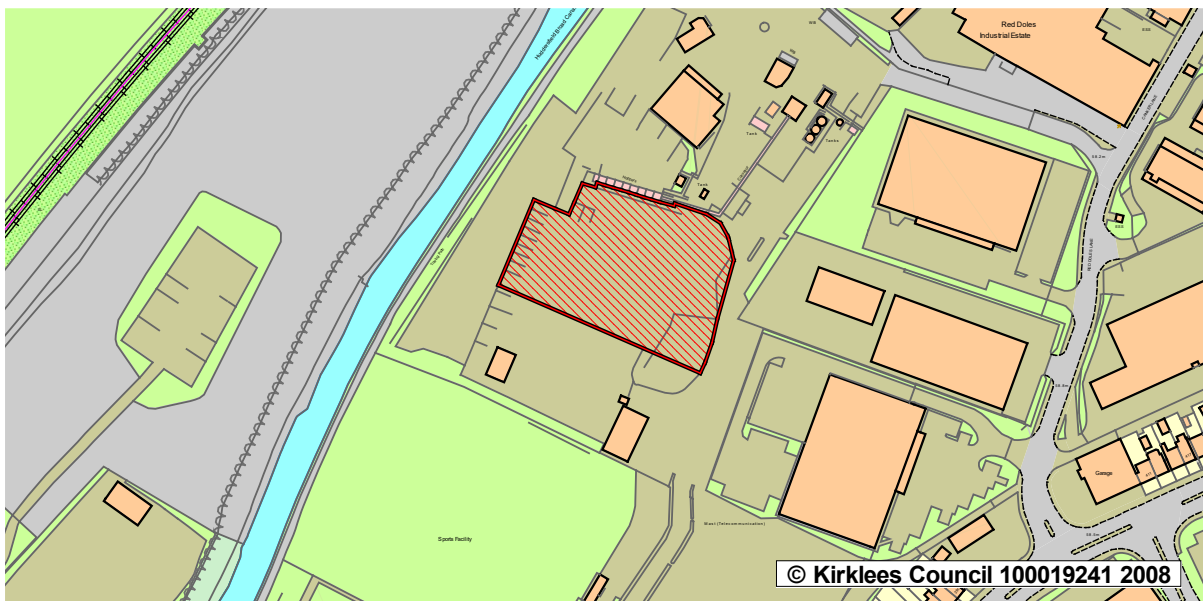
22-Apr-2019

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 1.7 kilometres north east of Huddersfield Town centre within the northern 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 5344m² and comprises a large surfaced yard, several open storage bays and racking used for the storage of various building products and is used in connection with the storage and distribution of building supplies. The immediate wider area surrounding the site is commercial in character although there are some residential properties to the south and south east off Leeds Road, the closest of these are approximately 250m from the site.

3.0 PROPOSAL

- 3.1 The applicant proposes to re-locate their current skip hire business to this part of the site and create a new materials recovery/recycling facility (MRF). This will involve the erection of a new purpose built building within which the recycling activities would take place. The new building would be of a standard portal frame design measuring 25m x 40m and approximately 12m to ridge height. The walls would be a combination of concrete panels and metal profile cladding and the roof would be formed using metal profile cladding with polycarbonate roof lights. The building would be open on one side to allow vehicular access,
- 3.2 The applicant proposes that the site would be used for the storage of skips and the sorting of recovered materials which can be subsequently transferred from the site for recycling/re-use.
- 3.3 The site will be accessed via the current site access off red Doles Lane which is a purpose built two lane carriageway with an industrial standard junction adjoining the highway.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 None

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

5.1 During the assessment of this application further clarification was sought with regard to the potential impact this development could have on the local highway network. The applicant therefore provided a transport assessment for consideration.

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.

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

PLP3 – Location of new development

PLP 21 – Highway safety and access

PLP 39 - Protecting existing and planned minerals infrastructure

PLP43 – Waste Management Hierarchy

PLP 44 – New waste management facilities

PLP51 – Protection and improvement of air quality

PLP52 – Protection and improvement of environmental quality

6.4 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
National Planning Policy for Waste

6.5 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 4 site notices in the vicinity of the site and the mailing of 4 neighbourhood notification letters. No comments have been received from members of the public
- 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 subject to planning conditions limiting heavy vehicle movements to those stipulated in the supporting transport statement.

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

Environment Agency – No objections

The Coal Authority – No objection subject to a condition which requires intrusive site investigations to investigate the potential coal mining legacy on site.

Canal and River Trust – No objection but recommend that any approval is subject to a site management plan to minimise the risk of the nearby canal being polluted

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;
- mitigation measures being implemented to offset the damage to air quality resulting from this proposal; and
- restricting hours of operation to:
 - 06:00 to 18:00 Mon to Saturday
 - No activities to take place on Sundays or Bank Holidays

K C Ecology – No objection subject to a planning condition which requires the submission and approval of a lighting design strategy prior to occupation.

9.0 MAIN ISSUES

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

10.0 APPRAISAL

10.1 Principle of development

- 10.2 The site is identified as forming part of a mineral infrastructure safeguarded area in the local plan (MI3402) and Local Plan policy PLP39 is therefore relevant to this proposal. This seeks to safeguard such sites from other development to prevent the permanent loss of facilities providing minerals infrastructure within the district. In this case, a ready mix concrete plant is located adjacent to the application site. However, the application site concerned is not currently used in connection with mineral infrastructure, continues to be owned and controlled by the operator of the adjacent minerals infrastructure site and the development involved is easily reversible. Consequently should the infrastructure operator wish to expand the concrete site, it could be easily achieved.
- 10.3 As the development would involve the management of waste it is considered that Local Plan Policy PLP 44 is the principal policy consideration.
- 10.4 Appendix A the National Planning Policy for Waste contains a waste hierarchy which Waste Planning Authorities are expected to consider when dealing with planning applications for waste related development. The aim being to, where possible, move the management of waste up the waste hierarchy. The hierarchy is outlined below:

The most effective environmental solution is often to reduce the generation of waste, including the re-use of products – <i>prevention</i>
Products that have become waste can be checked cleaned or repaired so that they can be re-used – <i>preparing for re-use</i>
Waste materials can be reprocessed into products, materials or substances – <i>recycling</i>
Waste can serve a useful purpose by replacing other materials that would otherwise have been used – <i>other recovery</i>
The least desirable solution where none of the above options are appropriate- <i>Disposal</i>

Although this indicates that the most effective environmental solution to the generation of waste is waste prevention, it also indicates that the re-use and recycling of materials are the next best options. Consequently Planning Authorities are encouraged to take a positive approach when considering applications to use appropriate sites for the re-use/recycling of waste.

- 10.5 In this instance imported waste would be sorted to remove materials which can be recycled or re-used. It is therefore considered that as this proposal would see the potential re-use of a significant proportion of waste material, which would otherwise be sent to landfill, it is consistent with national planning guidance relating to waste.
- 10.6 In addition to the above, this proposal represents the expansion of existing business premises thus PLP3 of the Local Plan applies in that it would help to secure and increase employment within the district.
- 10.7 Consequently, Officers consider that the principle of this development is therefore acceptable providing it does not conflict with the criteria stipulated in Local Plan policy PLP 44 which states.

“Proposals for waste management facilities should be located in sustainable locations, appropriate to the proposed waste management use and its operational characteristics, where potentially adverse impacts on people, biodiversity and the environment can be avoided or adequately mitigated. Proposals should have regard to the following sequential priorities, unless the use of an appropriate alternative site can be justified:

- a. sites specifically allocated for waste management purposes;
- b. employment sites where co-location with existing waste management processes is possible without detriment to residential amenity;
- c. employment sites suitable for Use Classes B2 and B8;
- d. sustainable locations within vacant previously developed land.

Proposals for waste management facilities should demonstrate that the following potential impacts have been fully considered and satisfactorily addressed so as to make them acceptable to the council:

- a. duration of the development;
- b. the layout and design of the site and any associated buildings;
- c. influence on visual amenity;
- d. the treatment of boundary features and new screening as appropriate;
- e. environment and amenity issues such as noise, dust, litter, odour, vermin and gas emissions;
- f. protection of controlled waters;
- g. drainage and use of sustainable drainage;
- h. effects on the natural and historic environment;
- i. restoration and aftercare where appropriate;
- j. measures to prevent dirt and debris being carried onto the public highway;
- k. the adequacy of the highway network and the safety of access and egress arrangements;
- l. routing and the frequency of vehicle movements;
- m. hours of operation;
- n. the protection of public rights of way;
- o. fairly and reasonably related community benefits”

10.8 Residential Amenity

- 10.9 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 250m from the site. Current permitted activities on site involve the unloading and loading of building material and timber using mechanical fork lift trucks and shovels and heavy vehicle movements to and from the site. Whilst this proposal would introduce a different industrial process to this part of the wider site, it is considered that the associated noise would not have any significant increase above the existing noise climate, bearing in mind existing and surrounding commercial uses.
- 10.10 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.
- 10.11 The site is screened by 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. Existing built development screens the site from residential properties to the south and south east consequently views of the site from the nearest residential properties cannot be readily gained.
- 10.12 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 policies PLP44 and PLP52, with regard to the development's potential impact on visual amenity.
- 10.13 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:
- waste delivery, handling and transfer;
 - sorting/screening waste material;
 - site plant and haulage movements; and
 - road transport
- 10.14 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.
- 10.15 Whilst it is acknowledged that this proposal will have a negative impact on air quality in the vicinity of the site, 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 outlined above. It is therefore considered that this proposal would accord with Local Plan policies PLP44, PLP 51 and Section 15 of the NPPF.

10.16 Design

- 10.17 Section 12 of the NPPF indicates that good design is a key aspect of sustainable development and that poorly designed development should be refused.
- 10.18 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.
- 10.19 The proposed building is of a functional, contemporary design making use of materials which are fairly typical for this type of development. The building would be of a similar scale to others within the wider site and the surrounding area. 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. Consequently the development would accord with Local Plan policies PLP24,PLP44 and national planning policy guidance contained in Section 12 of the NPPF.

10.20 Highway issues

- 10.21 The site is currently accessed via a purpose built access which adjoins Red Doles Land and it is proposed to use this access in conjunction with this proposal.
- 10.22 The applicant's existing site operations are served by a two lane surfaced access road which runs for approximately 100 metres from its junction with the adopted highway allowing access to the application site, and is currently shared by other activities on the site. The internal yard area is hard surfaced and well drained. At its junction with Red Doles Lane, the access provides adequate visibility in both directions and allows two heavy vehicles moving in opposite directions to pass.
- 10.23 The applicant has indicated that the current operations associated with their skip hire business, which are accessed via Barr Street involve approximately 108 heavy goods vehicle (HGV) movements per day (54 in 54 out). This proposal offers the opportunity to expand this element of the applicant's business and would potentially increase this number to 160 per day (80 in and 80 out) although the applicant has indicated that initially vehicle movements would be similar to present and any increase would occur over time subject to the expansion of the business.
- 10.24 It is considered that, bearing in mind this proposal would use the existing site access, existing on site facilities and that all HGV movements would be via Red Doles Lane, this proposal would not have a significant detrimental impact on highway safety in the area and would therefore accord with Local Plan policies PLP21 and PLP44.

10.25 Drainage issues and flood risk

10.26 The application site is mainly located within Flood Zone 2 (medium risk) with a small area to the north being in Flood Zone 1 (low risk) and the applicant has provided a Flood Risk Assessment (FRA) to support this proposal.

10.27 The FRA concludes that:

- as this development is considered to be less vulnerable in Table 2 of the Flood Risk and Climate Change chapter of the National Planning Practice Guidance (NPPG), then this proposal is appropriate in the location;
- Surface water flooding risk is considered to be low;
- Other secondary flooding risk from other sources such as canals and reservoirs is low;
- Flooding from new drainage measures to accommodate the development is low; and
- Flooding risk from climate change is low.

10.28 As the site falls within Flood Zone 2 a sequential test analysis should be provided. The applicant has indicated that The Myers Group Ltd is a long established building supplies group with their Barr Lane site in Huddersfield also being where their headquarters office is based. This is just to the south of the application area. The development proposals are for the provision of a new industrial shed type building to the western part of the site area and reconfiguration of the external areas to facilitate skip storage, HGV waiting, vehicle parking and material storage.

10.29 On the basis the site is on the far extents of the Flood Zone 2, has no known previous flood history and that it would not be practical to consider developing elsewhere when the site is established and the proposals are for relocation of existing services, further application of the Sequential Test is not required. Officers consider that in such circumstances the sequential test has been adequately applied in this instance.

10.30 The site is currently operational and therefore benefits from being hard surfaced and from existing drainage facilities which include interception arrangements. It is therefore considered that this proposal would accord with Local Plan policy PLP 27, PLP28, PLP44 and Section 14 of the NPPF with regard to flood risk and the provision of adequate drainage for the proposal.

10.31 Representations

10.32 No representations from members of the public have been received in connection with this proposal.

11.0 CONCLUSION

- 11.1 The application site is located within a predominantly commercial area which would be an appropriate location for this type of development. The proposal would create an additional noise generating source but officers consider that this proposal would not add significantly to the existing noise climate. In addition, whilst this proposal would lead to the generation of dust, it is considered that this could be satisfactorily dealt with using onsite mitigation. Officers also consider that the proposal would not have significant adverse effects on visual amenity or the local highway network.
- 11.2 Due to the potential increase in heavy vehicle movements associated with this proposal, it is considered that air quality in the vicinity of the site would be detrimentally affected. However, in accordance with the West Yorkshire Air Quality Low Emissions Strategy, the applicant will be required to offset this by including electric vehicle charging points and a low emissions travel plan.
- 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. Development to be carried out in accordance with approved plans
3. HGV movements limited to 80 in and 80 out per day
4. A suite of conditions to deal with any on site contamination
5. A condition requiring intrusive investigations to ascertain the site's coal mining legacy
6. A condition requiring the submission of a surface water, foul water and land drainage scheme
7. Details of a flood evacuation plan
8. The development to be carried out in accordance with a dust suppression scheme to be approved in writing by the LPA
9. The submission and approval of a waste management plan

10. No activities to take place at the site outside the following hours:

08:00 to 18:00 Mon to Saturday

No activities to take place on Sundays

11. The provision of electric vehicle charging points

12. The provision of a Low emission travel plan

13 The provision of a lighting design strategy to reduce the impact on local ecology

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f90181>

Certificate of Ownership –Certificate A signed 07.12.2018