

Map not to scale – for identification purposes only

Electoral Wards Affected: Dewsbury West Ward

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Development and Master Planning in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

- 1.1 The application is brought to Strategic Planning Committee as the site area exceeds 0.5 ha and comprises of non-residential development.
- 1.2 An extension of time has been put in place to the 15th February 2019. Officers have requested a further extension to the 3rd October 2019.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site includes an area of land situated off Low Mill Lane at Ravensthorpe. It measures approximately 0.8 hectares and comprises of an area of unkempt grass with some areas of hardstanding. The site is within close proximity to Ravensthorpe and is surrounded by industrial units to the north and on the southern side of the canal and to the east.
- 2.2 There are some residential properties situated to the northwest which are high density terraced dwellings, more sporadic residential development is located to the south west adjacent to existing commercial activity. The wider area is dominated by residential development to the north and agricultural to the south with areas of woodland and water bodies.

3.0 PROPOSAL:

- 3.1 The application is for the change of use of vacant land to container and vehicle storage and erection of fence.
- 3.2 The site plan shows an area of land that is designated for the location of containers (indicative plan shows 36 containers) each measuring 6.06 metres in length and 2.35 metres depth at a height of 2.44 metres. The containers are shown to be located to the site boundary with Low Mill Lane. A blue line on the plan denotes an area of vehicle storage.

- 3.3 The application contains limited information regarding the operations on the site and further information has been sought on more than one occasion. The container units located within the site are confirmed as (Use Class B8) storage and distribution. The goods will be kept in the containers and will be clean and dry vehicle parts sealed and contained. It has been confirmed that other areas shown as vehicle storage will be for the parking of cars. The employment numbers are confirmed at 3 full time and 2 part time staff required to facilitate the storage and distribution of the contained goods.
- 3.4 The site periphery is to be bound by a 1.8 metre high 'V' mesh security fence in dark green (RAL 6005).
- 3.5 A landscaping plan has been submitted which shows a landscaped bund to the boundary with the Calder and Hebble Navigation incorporating specimen trees. Remaining areas are shown as grass reinforcement areas.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 There are no relevant planning histories associated with the site but it is understood the previous site was occupied by large timber sheds. The previous activities resulted in requirements for remediation.
- 4.2 An application for advertisement consent (2018/93530) is also being considered and will be determined once the outcome of this change of use application is concluded.

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

- 5.1 Further information was sought on a number of occasions to fully establish the use and operation of the site.
- 5.2 Concerns were raised regarding matters of biodiversity and an ecological assessment was required. This was submitted in March 2019 and assessed by the KC Biodiversity Officer.
- 5.3 Additional information was also provided regarding flood risk as the site is located within flood zone 2. This has been referred to the Environment Agency and to the Lead Local Flood Authority.

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

Kirklees Local Plan (2019):

- 6.2 LP1 – Presumption in favour of sustainable development
LP2 – Place shaping
LP3 – Location of new development
LP8 – Safeguarding employment land and premises
LP21 – Highway safety and access
LP22 - Parking
LP24 – Design
LP27 – Flood risk
LP30 – Biodiversity and geodiversity
LP51 – Protection and improvement of air quality
LP53 – Contaminated and unstable land

National Planning Guidance:

- 6.3 NPPF Chapter 2 – Achieving sustainable development
NPPF Chapter 6 – Building a strong, competitive economy
NPPF Chapter 9 – Promoting sustainable transport
NPPF Chapter 12 – Achieving well designed places
NPPF Chapter 14 – Meeting the challenge of climate change, flooding and coastal changes
NPPF Chapter 15 – Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application was advertised by the posting of neighbour notification letters in addition to site notices. No representations have been received.
- 7.2 All three Ward Councillors were notified of this application, however no comments have been received.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways DM: No objections

KC Lead Local Flood Authority: No objections

Canal and River Trust: No objections

Environment Agency: No objections

8.2 Non-statutory:

KC Ecology: No objections subject to conditions

KC Environmental Health: No objections

KC Local Plan Policy: No objections

KC Crime Prevention: No objections

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Landscape issues
- Highway issues
- Drainage issues
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The last known use of the site was for storage. It is understood that a large timber framed unit was located on the land but this was removed some time ago. The application states that any previous use ceased on the 1st October 2018. The site is considered to be previously developed and while some areas are more naturalised with vegetation, the site overall can be considered to be brownfield.
- 10.2 Kirklees Local Plan Policy LP1 relates to the presumption in favour of sustainable development as set out in the NPPF. The policy states that the Council will “always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area”. In this instance, it is considered the supporting evidence has shown the proposals to be broadly compliant with the adopted Local Plan. The site is currently vacant and this application seeks to provide a commercial use for storage and distribution.
- 10.3 Development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan, in order to protect and enhance the qualities which contribute to the character of places as required by Kirklees Local Plan Policy LP2 (Place Shaping). The proposals would not be detrimental to any of the detailed strengths/opportunities associated with the Huddersfield region and moreover would not further heighten any of the challenges to growth. The occupation of the site for an employment use is coherent with the aims set out in the Local Plan in so far as the site will generate jobs where none currently exist.
- 10.4 Kirklees Local Plan Policy LP3 states that proposals will be required to reflect the Spatial Development Strategy, which is linked to Policies LP1 and LP2. The proposal is for the redevelopment of a vacant site within the priority employment area and would result in regeneration and employment opportunities in line with sections 2(c) and 2(d) of the policy.

- 10.5 This large area of land forms part of a larger Priority Employment Area in the Local Plan. Policy LP8 is relevant and supports the development of employment generating uses within PEA sites that do not conflict with established employment uses, as follows:

“Proposals for development or re-development for employment generating uses (as defined in the Glossary) in Priority Employment Areas will be supported where there is no conflict with the established employment uses (as defined in the Glossary) in the area. In instances where the site is out of centre and the proposal includes main town centre uses then policy LP13 will need to be applied.”

This approach is also supported by Chapter 6 of the NPPF. The proposed development would result in the reuse of a vacant site providing employment opportunities in the form of B8 storage and distribution. The principle of development is therefore considered to be acceptable and would help to safeguard the employment use at the site. The development proposed would provide 6 new job opportunities thereby contributing to the aims of Policy LP8 in so far as enhancing job potential within this designated area. The principle of development on this site is acceptable and is considered to be in accordance with the aims of the Local Plan.

- 10.6 Material considerations in this case relate to amenity, biodiversity and highway safety and are addressed later in the report

Urban Design issues

- 10.7 General design considerations are set out in Policy LP24, which seeks to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity. The site layout shows an area laid out for several large metal container units with an additional area shown for vehicle storage. The agent has reiterated that the site is not to be used as a car breakers yard.
- 10.8 Each container is shown to measure 6.06 metres by 2.35 metres and at a height of 2.39 metres. Boundary treatment is shown to be 1.8 metres and whilst it is proposed to be a mesh finish will provide some screening to the units. The containers are set in slightly from the fence and alongside the road beyond which are industrial units. Given the industrial setting and predominant use of metal as a construction material it is considered that the scale and materials of the containers would retain this character and as such would be acceptable in context.
- 10.9 The application is accompanied by a landscape drawing that shows significant screening to the boundary with the waterway. This is welcomed and will provide adequate screening to the site whilst providing ecological mitigation. Concerns remain regarding the boundary treatment to the north alongside Low Mill Lane. The mesh fence proposed will allow for views into the site and whilst set in an industrial area it is considered that the container units would be quite prominent in terms of their appearance. It is acknowledged that much of the surrounding area is occupied by large commercial buildings, however, additional screening is required to soften the impact along Low Mill Lane. The agent has confirmed that a condition requesting this is acceptable. Furthermore it is considered that the storage of goods should not extend to beyond the containers and prevented from being located within open areas as this would compromise visual amenity. A condition is recommended to prevent this from occurring.

- 10.10 Subject to the conditions outlined above, it is considered that the proposal would accord with Kirklees Local Plan Policy LP24 and Section 12 of the NPPF with regard to its overall design.

Residential Amenity

- 10.11 With regard to amenity, Policy LP24 advises that proposal should ensure that a high standard of amenity is achieved for future and neighbouring occupiers. The application has also been assessed by Environmental Services who raise no objection on residential amenity grounds.
- 10.12 The application site is located at a reasonable distance to existing residential development separated by the existing road to the north west and the river to the south west. The storage containers are shown to be located along side Low Mill Lane with vehicle storage to the west at the nearest point to existing residential properties. Due to separation distances achieved between existing residential properties and the site it is not considered that there will be a loss of amenity as a result of causing any overbearing or overshadowing impacts.
- 10.13 There are concerns regarding the likely noise generated from the activities on the site but also in respect of HGV movements associated with the operations. In order to protect these occupants from excessive noise it is necessary to restrict the hours of use as follows:

7:30am to 18:30 Monday to Friday
08:00am and 13:00pm Saturday, Sundays and Bank Holidays.

A condition is recommended in this respect.

- 10.14 Officers therefore consider that the proposed development would not have a significant detrimental impact on local amenity and would therefore accord with Kirklees Local Plan policy LP52 and Section 15 of the NPPF.

Landscape issues

- 10.15 The application is accompanied by a landscaping plan which is considered generally acceptable. A landscaped bund is formed by the waterway. As the containers are to be located adjacent to Low Mill Lane it is considered necessary to increase landscaping along this boundary to mitigate and provide screening at this point. Subject to a revised plan landscaping proposals are considered adequate. The agent has confirmed that a condition in this respect would be preferable. Subject to the submission of further details the development of the site accords with Policy LP30 (ii) of the Local Plan.

- 10.16 *Ecology:*

The application was submitted without any ecological information, following consultation with the KC Biodiversity Officer this was required in order to assess the implications in accordance with Local Plan Policy LP30 (i). A Preliminary Ecological Appraisal recommended that further survey work was required to determine the presence or likely absence of reptiles. The proposals were also required to demonstrate that negative effects on breeding birds and foraging bats will not occur.

- 10.17 Further survey work has been carried out and based on the recommendations outlined in the reports the proposed development is considered acceptable subject to any lighting scheme being designed to be sensitive for foraging bats. As such a condition is recommended in this respect. The development proposals are therefore considered acceptable in accordance with Policy LP30 of the Local Plan.

Highway issues

- 10.18 The proposed development makes use of the existing access arrangements. KC Highways DM have been consulted and further information referred for comment.
- 10.19 With reference to the submitted plans, ref. Paragon 1591 drawing 01 and DK 18.2687.02B; and submitted information relating to traffic generation forecasting circa 6 articulated HGV trips per week. The submitted information, tracking detail and proposed visibility splay from Ladywood Way along Low Mill lane are considered acceptable from a Highways DM point of view subject to surfaced and drained surfacing for the internal access road, and permeable surfacing and/or a sustainable drainage system being secured by condition for the proposed parking and storage areas.
- 10.20 Subject to conditions Officers are satisfied that the proposed development would not harm the safe and efficient operation of the Highway, in accordance with the aims and objectives of LP21 of the Local Plan.

Flood risk/Drainage issues

- 10.21 The site is located within Flood Zone 2 and adjacent to Flood Zone 3 and is land defined by the planning practice guidance as having a high and medium probability of flooding. As a consequence the application has been referred to the Environment Agency and the Lead Local Flood Authority (LLFA) for comment.
- 10.22 Initial objections raised by the Environment Agency have been overcome through the submission of a Flood Risk Assessment and further negotiations with the LLFA in terms of surface water drainage details has resolved matters satisfactorily. Subject to conditions to reduce the risk of flooding of the site and in respect of drainage the proposed development is acceptable in accordance with Policies LP27 and LP28 and Chapter 14 of the NPPF. The Environment Agency recommends conditions in respect of finished floor levels, method of allowing water to flow freely beneath the containers and no alterations to ground levels. With the exception of finished floor levels it is considered that the remaining conditions can be imposed and would be relevant to the application and reducing the risk to flooding. It is not considered possible for finished floor levels to be altered due to the construction of the containers and raising the height of the land externally would conflict with the purpose of their recommendations. It has not been possible to discuss matters further with the Environment Agency. As such supplementary advice of the LLFA has been sought and it is agreed that it is not relevant or reasonable to request an increase in finished floor levels. This is subject to the development being carried out in accordance with the details submitted as reviewed by the LLFA in addition to the ensuring that water can flow freely beneath the containers without obstruction. Conditions are considered sufficient in this instance.

Representations

- 10.23 The application has been advertised by site notice and by neighbour notification as a result no representations have been received.

Other Matters

Land contamination:

- 10.24 The site has been identified as being potentially contaminated on the Council's mapping system. KC Environmental Health seek for contamination to be investigated prior to development commencing, to comply with the aims and objectives of LP53. This is necessary as a pre-commencement condition to ensure that adequate information pertaining to ground conditions is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. Officers support the implementation of these conditions, to comply with LP53 and Chapter 15 of the NPPF.
- 10.25 Given the site's proximity to residential uses, and as outlined in the residential amenity section, KC Environmental Health have requested a condition requiring hours of use to be restricted. This is considered acceptable and in accordance with the aims and objectives of LP24 and LP52 and Chapter 15 of the NPPF.

Air quality:

- 10.26 In accordance with Government guidance on air quality mitigation, outlined within the NPPG and Chapter 15 of the NPPF, and Local Plan Policy contained within LP24 and LP51 and the West Yorkshire Low Emission Strategy Planning Guidance seeks to mitigate Air Quality harm. Given the scale and nature of the development officers seek the provision of electric vehicle charging points, at a rate of 10% of proposed parking spaces. The purpose of this is to promote modes of transport with low impact on air quality. A condition is recommended in this respect.

Crime prevention:

- 10.27 Due to the nature of the proposed development the application has been referred to the West Yorkshire Police Crime Officer. The comments made are advisory and have been referred to the applicant. It is considered that the site can be satisfactorily developed whilst minimising the risk of crime through enhanced security and well-designed security features in accordance with LP24 (e).

- 10.28 *Climate Change:*

Chapter 12 of the Local Plan relates to climate change and states that: "Effective spatial planning is an important part of a successful response to climate changes as it can influence the delivery of appropriately sited green infrastructure and the emission of greenhouse gases. Planning can also help increase resilience to climate change impact through the location, mix and design of development". This is also reflected in the NPPF as a core land use planning principle. The NPPF emphasis that responding to climate change is central to the economic, social and environmental dimensions of sustainable development. This application has been assessed taking into account the requirements summarised and provides opportunity for development that is considered to meet the dimensions of sustainable development. Furthermore improvements to the landscape and inclusion of electric vehicle charging points contributes positively to the aims of climate change.

11.0 CONCLUSION

- 11.1 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.
- 11.2 The development of the site would result in an employment generating use of a Priority Employment Area (PEA) thereby contributing to the aims of Policy LP8 in so far as enhancing job potential within this designated area. The development would not prejudice the existing use/redevelopment of the wider PEA. Therefore the principle of development is considered to be acceptable.
- 11.3 The design and appearance of the development is considered be acceptable and, subject to conditions, would not result in any harm to any nearby occupant. The proposed access and highway impacts have been assessed as being acceptable. Other planning issues, such as ecology and flood risk, have been assessed and matters considered to be addressed.
- 11.4 The 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 Development and Master Planning)

- 1. Standard 3 years to implement permission**
- 2. Plans and specifications**
- 3. Lighting strategy**
- 4-6. Land contamination**
- 7. Hours of use**
- 8. Air quality**
- 9. Drainage design**
- 10. Platform for storage containers**
- 11. No alterations to ground levels**
- 10. Landscaping**
- 11. No storage of goods or materials outside of containers**

Background Papers:

Application and history files.

Website link to be inserted here:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f93529>

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