Application No: 2016/90933

Type of application: ***62m - FULL APPLICATION***

Proposal: ***Demolition of existing buildings and erection of manufacturing unit with associated access, parking and turning***

Location: ***Colne Vale Road, Milnsbridge, Huddersfield, HD3 4NY***

Grid Ref: 411340.0 415832.0

Ward: ***Golcar Ward***

Applicant: ***Andrew Taylor, Specialist Glass Products Ltd***

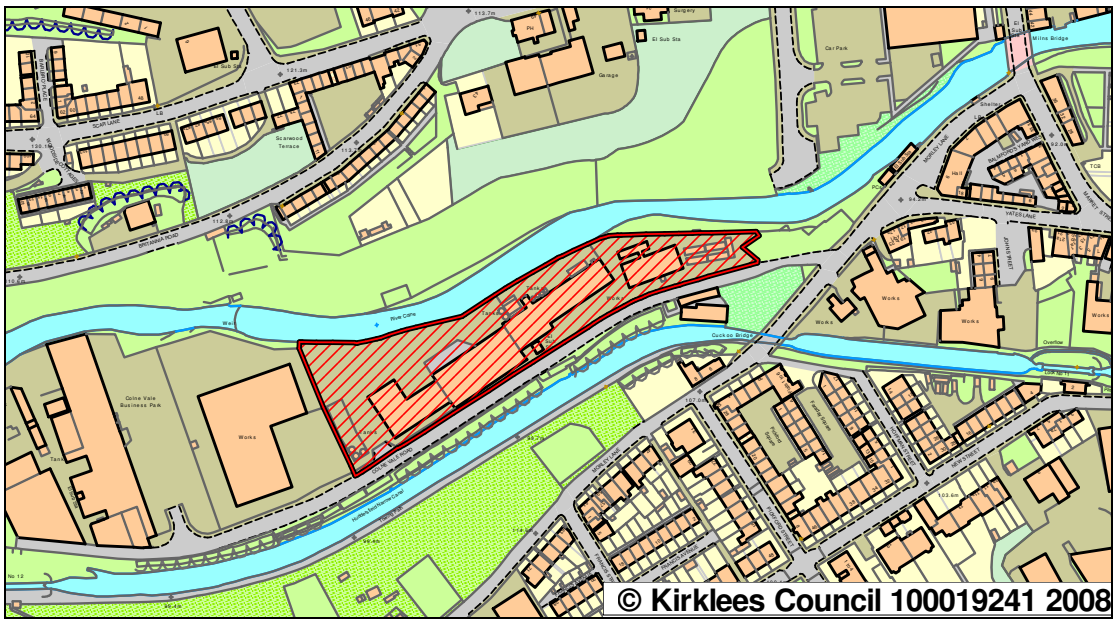
Agent: ***Alan Davies, Northern Design Partnership***

Target Date: ***26-Sep-2016***

Recommendation: ***FC - CONDITIONAL FULL PERMISSION***

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

1. SUMMARY

Application Details		
Type of Development	Demolition of existing and erection of new commercial premises	
Scale of Development	Site area 8.2ha	Approx. 3700m² metres of floor space
No. Jobs Created or Retained	Up to 20	
Policy		
UDP allocation	Not allocated	
Independent Viability Required	N/A	
Representation/Consultation		
Individual Support (No.)	0	
Individual Objection (No.)	0	
Petition	0	
Ward Member Interest	None	
Statutory Consultee Objections	No	
Contributions		
• *Affordable Housing*	N/A	
• *Education*	N/A	
• *Public Open Space*	N/A	
• *Other*	N/A	
Other Issues		
Any Council Interest	No	
Planning Pre-Application Advice	Yes	
Pre-App Consultation Undertaken?	No	
Comment on Application	It is considered that this proposal is acceptable subject to appropriate planning conditions	

RECOMMENDATION – GRANT CONDITIONAL FULL PLANNING PERMISSION

2. INFORMATION

The application is brought before the Strategic Planning Committee (SPC) as the site exceeds 0.5 ha of non-residential development.

3. PROPOSAL/SITE DESCRIPTION

The application site occupies an area of approximately 0.8 ha and is located 200m to the south west of the centre of Milnsbridge Town Centre within an area which has a mixed residential/commercial character immediately

adjacent to the Milnsbridge conservation area. The bulk of residential properties are located to the south of the site and other commercial activities are concentrated to the north east and west. The River Colne bounds the northern boundary of the site and the Huddersfield narrow canal is immediately to the south. The site is a brownfield site, being formerly occupied by a commercial operation and still retains the original site buildings.

The applicant proposes to demolish the existing site buildings and erect a new purpose built manufacturing unit including associated access parking and turning facilities. The proposed building would occupy an area of approximately 3700 square meters and would be used for the manufacture of glass products in conjunction with the applicant's existing facility which is immediately adjacent to the application site.

The new manufacturing building and ancillary office/welfare accommodation would measure approximately 135m x 35m at its widest point and would be approximately 10m to ridge height. The building would be of a traditional steel frame design with brickwork up to a height of 2m from ground level and a mixture of flat and metal profile wall panels used to clad the remainder of the walls. The roof would be covered using profile steel panels.

The proposal would involve the creation of a surfaced goods yard and vehicle turning areas and the provision of up to 47 off street car parking spaces. There are about 77 existing jobs on the original site and the development would create around 23 additional jobs which would be split across the original site and the new site.

4. BACKGROUND AND HISTORY

The site has a long history of commercial use, being used for many years until its closure a number of years ago. However, no recent planning applications have been made with respect to the site

5. PLANNING POLICY

The statutory development plan comprises the Unitary Development Plan (UDP). This report will refer only to those policies of the UDP 'saved' under the direction of the Secretary of State beyond September 2007.

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The Local Plan process is underway and the public consultation on the draft local plan is taking place from 9th November 2015 to 1st February 2016.

The National Planning Policy Framework explains how weight may be given to policies in emerging plans. At this point in time, the draft local plan policies and proposals are not considered to be at a sufficiently advanced stage to

carry weight in decision making for individual planning applications. The Local Planning Authority must therefore rely on existing policies (saved) in the UDP and national planning policy and guidance".

The site is without notation in the adopted Unitary Development Plan and it is considered that the following policies and documents are relevant to this application:

D2 – Unallocated Land
B1 – Employment Needs
BE1 – Design principles
BE2 – Quality of design
EP4 – Noise generating development
EP6 – Assessment of existing and predicted noise levels.
G1 – Securing regeneration
G6 – Land contamination
T10 – Highway safety
T17 – Considering the needs of cyclists
T19 – Parking standards

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, together with Circulars, Parliamentary Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. It is considered that the following documents are relevant to this application.

NPPF Section 1 Building a Strong and Competitive Economy
NPPF Section 7 Requiring Good Design
NPPF Section 10 Meeting the Challenge of Climate Change, Flooding and Coastal Change
NPPF Section 11 Conserving and Enhancing the Natural Environment
NPPF Section 12 Conserving the Historic Environment

6. CONSULTATION RESPONSES

KC Highways DM – Acceptable in principle formal comments will be included in the committee update relating parking numbers.

KC Conservation and Design – No objection

KC Ecology Officer – No Objection subject to the inclusion of planning conditions which require:

- The development be carried out in accordance with mitigation detailed in the supporting ecological assessment

- An artificial lighting scheme to be submitted to and approved.

K C Environmental Services –No objection subject to the inclusion of planning conditions which require:

- A Phase II intrusive site investigation to be carried out to identify whether contamination is present and measures to satisfactorily deal with any contamination found.

- that hours of operation are stipulated

- roller shutter doors are kept closed other than for loading or unloading

- no external plant, flues or louvres are installed within the main building's structure

- the installation of electric vehicle charging points

K C Strategic Flood Protection and Drainage – No objection subject to a planning condition which requires a detailed drainage scheme to be submitted to and approved by the LPA prior to development commencing.

KC Trees Officer – No objections but recommend a condition requiring the submission of soft landscaping proposals to enhance the layout

Environment Agency – No objections subject to the development being carried out in accordance with the supporting flood risk assessment

Yorkshire Water – No objection subject to planning conditions which require:

- The diversion of water supply pipes which enter the site prior to development commencing

- The development is completed in accordance with the flood risk assessment

Police Architectural Liaison Officer – No objection but suggests the applicant includes crime prevention measures such as external lighting and CCTV coverage for site entrances, car parking areas and all other accessible areas.

Canal and River Trust – No objection subject to the inclusion of a planning condition which requires details of the proposed foundations and excavations and how they may impact on the adjacent canal to be approved prior to development commencing.

7. REPRESENTATIONS

The application was publicised by the erection of 4 site notices in the vicinity of the site, the posting of 74 neighbour notification letters and an advertisement in the local press. No representations have been received with regard to this proposal.

8. ASSESSMENT

General Principle:

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.

These considerations are addressed later in this assessment. Subject to these not being prejudiced, this aspect of the proposal would be acceptable in principle in relation to policy D2.

In addition to the above, this proposal represents the re-development of former business premises thus Policy B1 of the UDP applies. UDP policy B1 (ii) indicates that the employment needs of the district will be met by maintaining the stock of established business and industrial premises.

Subject to the matters outlined under Policy B1 not being prejudiced, the principle of this proposal would be acceptable.

The National Planning Policy Framework makes it clear that the Government is committed to securing economic growth through the planning process and to help achieve this paragraph 20 of the NPPF states:

"…..local planning authorities should plan pro-actively to meet the development needs of business and support an economy fit for the 21st century."

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 principles set out in the NPPF, this proposal is acceptable in principle.

Impact on amenity:

Visual amenity:

UDP Policies BE1 and BE2 are considerations in relation to design, materials and layout. Section 7 of the NPPF indicates that good design is a key aspect of sustainable development and that poorly designed development should be refused.

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. Furthermore this site was previously used in connection with commercial activity and the majority of the original site buildings are of a similar style to those proposed.

The proposed building is of a contemporary design which makes use of materials which are fairly typical for this type of development. The scale of the building would be similar to others in the immediate vicinity and officers therefore consider that it 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 detrimentally affect visual amenity and would therefore accord with policies BE1 or BE2 of the UDP and national policy guidance contained in Section 7 of the NPPF.

Residential Amenity:

When viewed from the surrounding area, the site lies within the setting of a wider industrial/business area, although a significant number of residential properties are located to the north and south which are at a higher level and therefore can gain views of the site. Having said this, mature vegetation to the north and south would act to filter such views and would provide an effective screen during periods when the vegetation is in full leaf. Whilst the new building would be substantial, it would be some distance from the nearest residential properties and two storey in scale and it is therefore considered that the proposal would not create an overbearing outlook when viewed from those properties. Furthermore the introduction of strategic planting around the site could help to bolster the existing vegetation which would help to mitigate the impact of this development further.

In relation to potential noise impact, Environmental Services confirm verbally that there is no objection in principle to this proposal. Detailed comments and conditions will be included in the committee update

Impact on the Environment:

Ecology:

Whilst the site has been left vacant for some time, it remains a developed site and habitat provision is therefore limited. Having said this, existing trees and vegetation have the potential to support significant numbers of nesting birds. The applicant has provided an ecological appraisal to support the application which concludes that there is no evidence on site of protected species using the site and that as the majority of the site is comprised of buildings and hard surface the site is of low ecological value.

Officers have reviewed the appraisal and generally agree with its findings. However, the River Colne is important as a foraging resource and movement corridor for bats and for otter and these species can be negatively affected by artificial light. It is considered that a lighting scheme which avoids any light spill onto the adjacent watercourses or bordering vegetation should be provided for approval if planning permission is granted. It is therefore proposed to include an appropriately worded planning condition to deal with this issue. This proposal would therefore accord with UDP policy D2 and Section 11 of the NPPF with regard to its potential effect on local ecology.

Flood Risk:

As the application site falls 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 provided an assessment of available sites within the wider area which would potentially offer a reduced flood risk. This identified 164 alternative sites as potentially offering such a reduced flood risk. However, 27 of those sites are already occupied, 113 have a gross floor area less than required and 23 were considered unsuitable for a number of different reasons which include the following:

- Site is too large – it is considered that along with other site constraints, development of the site utilising a holistic approach to ensure the development of a cohesive SUDS drainage strategy would be preferred.

- Site is sized appropriately i.e. +/- 20% of application site (gross area), however difficult site constraints identified which are likely to incur additional costs in comparison to the application site

- Site has been reallocated within the 2015 Draft Local Plan to form part of the Strategic Green Infrastructure Network

- Site has been rejected within the 2015 Draft Local Plan; or has significant development constraints which are considered to render the site unviable for accommodating industrial development such as specialist glass manufacture.

This left the application site as being the most suitable for this proposal.

It is considered that the sequential test has been satisfactorily considered and the exceptions test can therefore be considered with regard to the proposal. Paragraph 102 of the NPPF states that:

"If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception test to be passed:

- *It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk. Informed by a Strategic Flood Risk Assessment where one has been prepared; and*

- *a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*

The application site falls within Zone 2 of the indicative flood plain map which represents a medium risk of flooding. The flood risk assessment carried out in support of this application concluded that the site is capable of being developed despite being within a Flood Zone subject to the inclusion of flood mitigation measures.

Bearing in mind the economic benefits this development is likely to bring to the local area and the relatively low risk of problems associated with major flooding, it is considered that, on balance, the wider benefits of this proposal would outweigh any negative impacts associated with flood risk. Therefore it is considered that this proposal would accord with policy guidance contained in section 10 of the NPPF with regard to the potential for the development to be affected by flooding.

<u>Pollution/Contamination</u>:

UDP Policy G6 states that development proposals will be considered having regard to available information on the contamination or instability of the land concerned. Paragraph 121 of the NPPF echoes this.

The applicant has submitted a phase 1 contaminated land and geotechnical report in support of the application which concludes that there is contamination on the site both in the soil and groundwater and a potential for additional contamination from past site uses and for methane gas and volatile

organics. Consequently it recommends that further ground investigation is required in order to further quantify the risks of contamination, toxic gases, VOCs, groundwater contamination levels, asbestos materials and to enable geotechnical testing for foundation design for the proposed development. Officers consider that subject to the inclusion of planning conditions requiring further ground investigation to be undertaken and an appropriate remediation strategy to be agreed, the proposal is acceptable with regard to its impact as a result of previous site contamination. This proposal therefore Accords with UDP policy G6 and Section 11 of the NPPF.

Drainage:

The applicant has submitted a drainage impact assessment which indicates that the site can be adequately drained. However, further investigations are required to ensure that a scheme can be implemented and provide the required level of drainage provision. Officers consider that these investigations can be adequately controlled via the use of appropriately worded planning conditions.

Historic Environment:

Whilst the site lies close to but outside the Milnsbridge conservation area, it could have an impact on its setting. However, officers consider that, due to the scale of the development and the footprint being the same as the original building, this proposal would not have a significant detrimental impact on the setting of the Milnsbridge Conservation Area and would therefore accord with Section 12 of the NPPF and having special regard for S72 of the Planning (LB & CA) Act 1990.

Highway Safety:

Policy T10 of the UDP states that new development should not materially add to any highway safety implications and Policy T19 sets out appropriate parking provision that should be provided with developments.

The proposal would involve utilising the existing two site accesses to the east and west of the original site buildings which directly adjoin Colne Vale Road. The applicant has indicated that adequate visibility can be achieved (2.4m x 43m) at these entrances and they would therefore provide safe access to and egress from the proposed goods yard and parking areas.

Plans submitted by the applicant have identified off street parking spaces to the east of the site but the applicant has also indicated that off street parking provision could be accommodated to the west of the site (20 spaces) and on a small area under his control immediately adjacent to Colne Vale Road (12 spaces). The 20 spaces indicated at the west of the site have not yet been shown on a plan by the applicant and this information will be brought to Committee in the Update report. Officers initial assessment is that they consider that these spaces can be achieved along with maintaining sufficient space for manoeuvring of HGVs within the site. Subject to this being

demonstrated this would provide a total of 47 spaces directly associated with the development for around 100 jobs. Furthermore the applicant intends to operate this site in tandem with their current operation which is immediately adjacent to the application site and has indicated that following the reorganisation of operations once the new unit is complete, additional car parking spaces would be available on their current site to add to the 47 which should be created on the new site.

The application site is within walking distance of Milnsbridge town centre where regular bus services are available providing links to Huddersfield and the wider area and nearby cycle routes could be used by staff wishing to cycle to the site.

Officers consider that, in principle, this development is acceptable with regard to its potential impact on highways safety. However, formal comments from Highways Development Management will be reported in the committee update with details of proposed conditions

It is therefore considered that this proposal accords with UPD policies T10 and T19 with regard to its impact on highway safety.

Other matters:

West Yorkshire Police (WYP) was consulted with regard to the crime prevention implications associated with the design of the building. WYP has indicated it does not wish to object to the proposal but has suggested that the applicant should consider the use of external lighting and CCTV to cover car parking areas and building entrances and that all external doors and windows should meet the requirements of Secured by Design.

Representations:

No representations have been received with regard to this proposal.

Conclusion:

The proposal would bring back into use an area of commercial land in an appropriate manner which would improve the manufacturing capability of the applicant, who already occupies adjacent premises. The design of the proposed new unit is considered to be acceptable and will not be out of keeping with the area, subject to conditions, and it is considered that the development would assimilate well within this particular setting, which has a commercial character and includes similar development within close proximity.

Due to the separation distances, local topography and screening afforded by the existing built environment and existing vegetation, it is considered that, on balance, the impact on neighbouring residential properties would be limited.

The proposed car parking provision will be clarified in the Committee update.

The creation of new jobs and retained jobs in modern purpose built facilities weigh in favour of the application.

The application complies with the relevant provision of the Development Plan. There are no other material considerations that outweigh this finding.

9. RECOMMENDATION

GRANT CONDITIONAL FULL PLANNING PERMISSION

Conditions:

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.

2. The development hereby permitted shall be carried out in complete accordance with the with the plans and specifications schedule listed in this decision notice except as may be required by other conditions attached to this permission, which in all cases shall take precedence.

3. No development shall commence until details of the proposed foundations and excavations have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented as part of the building's construction.

4. No development commence on the building's superstructure until samples of all facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed of the approved materials.

5. The planning permission hereby approved shall be carried out in accordance with the following measures:

- Finished floor levels of buildings at the site shall not be below 94.9 AOD

- Flood Resilience and resistance measures will be incorporated into the proposed development as stated in the supporting Flood Risk Assessment (Ref: 2015-170-02) .

- The minimum easement of 3.6m (as detailed in the letter dated 17-05-2016 ref: DM/170516/2015-170) is maintained to provide access to the watercourse at all times.

6. No development shall commence until public water supply pipes that enter the site have been diverted in accordance with a scheme submitted to and approved by the Local Planning Authority.

7. No development shall commence until a scheme detailing foul, and surface water drainage, (*including existing drainage assessment, discharge rates agreed with the Lead Local Flood Authority, off site works, 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 the approved drainage scheme has been provided on the site to serve the development and the approved scheme shall be retained thereafter.

8. No development shall commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the local planning authority.

9. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 8 development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the local planning authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

10. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 9. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the local planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

11. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the local planning authority. No part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the local planning authority.

12. Within one month of the date of the permission hereby approved, a scheme shall be submitted and approved in writing by the local planning authority which provides full soft and hard landscaping proposals for the site which shall include the following:

- The planting of native tree species only
- Details of planting species and their densities
- Details of the proposed maintenance arrangements

The approved scheme shall be fully implemented within the first available planting season. Within a period of 5 years of implementation, any planting which forms part of the approved landscaping scheme which dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next available planting season with others of a similar size or species.

13. The development hereby approved shall not be brought into use until a scheme indicating the measures to be taken for the control of any glare or stray light from the operation of artificial lighting has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall provide:

(i) The proposed design level of maintained average luminance

(ii) The predicted vertical luminance that will be caused by the lighting when measured at the windows of the nearest residential properties in the vicinity

(iii) The proposals to eliminate glare from the use of the lighting installation

(iv)The proposed hours of operation of the lighting

The lighting scheme shall be designed to prevent light spillage into areas of semi-natural vegetation and ecological corridors where light levels from any new lighting shall be below a level 0.3 lux in those areas. The approved scheme shall be implemented in full prior to the site being occupied and thereafter retained for the duration of the development.

14. No activities *s*hall be carried out on the premises outside the hours of 0600 and 2200 Monday to Friday and 0800 to 1300 Saturdays. No activities shall take place on Sundays or Bank/Public Holidays.

15. There shall be no deliveries to or dispatches from the premises outside the hours of 0600 and 1800 Monday to Friday and 0800 and 1300 Saturdays. No deliveries shall take place on Sundays or Bank/Public Holidays.

16. All roller shutter doors and other openings in all elevations shall be kept closed except when required for access/egress and loading/unloading.

17. There shall be no siting of external plant/flues or louvres or other extract points in the main building structure.

18. Notwithstanding the details provided in support of this application, the development shall include a minimum of 7 plug in charging points for electric vehicles. All works involved in providing the charging points shall be completed prior to occupation of the development.

Highways Conditions to be included in the committee update showing a minimum of 47 spaces with on site turning space for HGVs and additional car parking on the adjoin site is also available if it is required.

This recommendation is based on the following plans and specifications schedule:-

Plan Type	**Reference**	**Version**	**Date Received**
Location Plan	1524		21.03.16
Proposed Elevation	02		21.03.16
Proposed Site Plan East Entrance	04		
Proposed Site Plan West Entrance	03		
Proposed site layout	01		21.03.16
Flood Risk and Drainage Impact Assessment	2015-170-02		06.04.16
Sequential Test Report	2015-170-01		21.03.16
Ecological Survey	Eco/16/03		21.03.16
Design and Access Statement			21.03.16
Phase 1 Ground Investigation	SGP 3234		21.03.16
Noise Assessment	DRUK/ACC/RS/AVA WMFMLH/2522		27.06.16