Kirklees COUNCIL

Originator: Bill Topping

Tel: 01484 221000

**Report of the Head of Strategic Investment**

**STRATEGIC PLANNING COMMITTEE**

**Date: 05-Apr-2018**

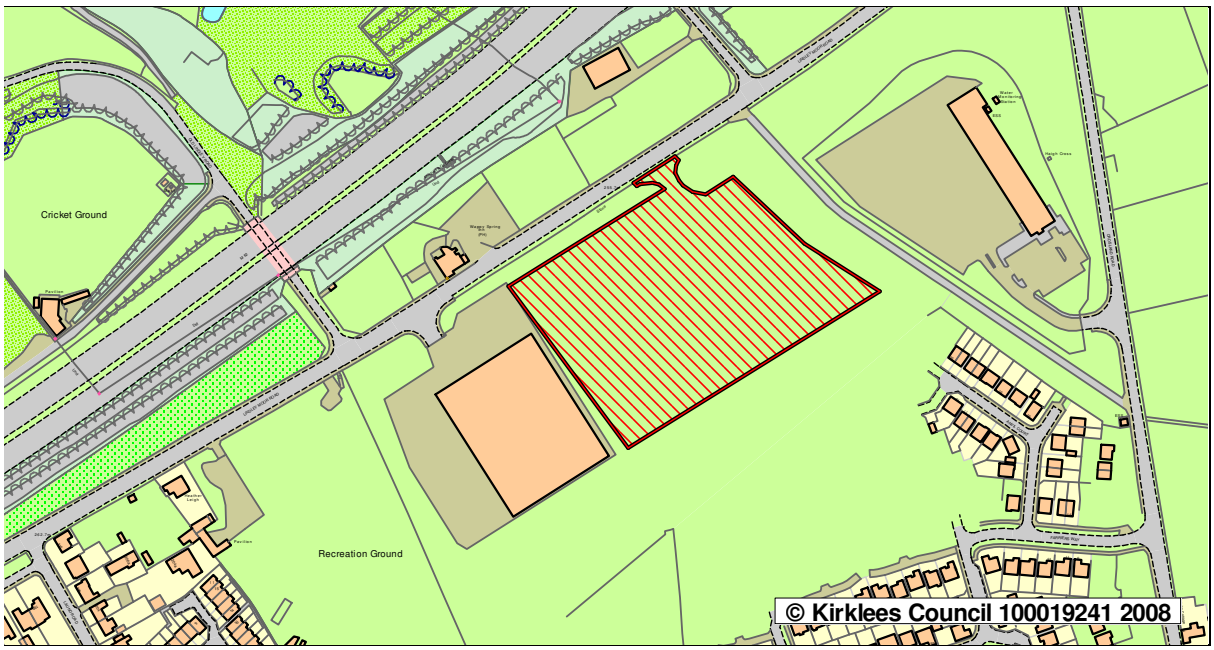
**Subject: Planning Application 2018/90074 Erection of motor vehicle dealership comprising car showrooms, workshops and MOT, ancillary offices, car parking and display, new vehicular access and egress to A643 and landscaping Land Off, Lindley Moor Road, Huddersfield, HD3 3TD**

**APPLICANT**
Rybrook Cars Limited
and Stirling Scotfield
(Huddersfield) LLP

| DATE VALID | TARGET DATE | EXTENSION EXPIRY DATE |
|---|---|---|
| 04-Jan-2018 | 05-Apr-2018 | |

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: Lindley**

| | |
|---|---|
| Yes | Ward Members consulted. |

**RECOMMENDATION:**

**Delegate Approval of the application and the issue of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report and outlined below ad to secure a Section 106 Agreement to cover the following matter**

- **The provision of £15,000 Travel Plan Monitoring fee (£3,000 per annum for 5 years).**

**In the circumstances where the Section 106 Agreement has not been complete within 3 months of the date of the Committee's resolution then the Head of Strategic Investment shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers**.

## 1.0 INTRODUCTION:

1.1 This application is brought to Strategic Committee as it comprises a non-residential development, in excess of 0.5ha, in accordance with the Councils Delegation Agreement. The application was deferred from the 8th March Strategic Planning committee due to cancellation of the site visits due to severe weather conditions.

## 2.0 SITE AND SURROUNDINGS:

2.1 The site comprises an area of approx. 2.2 ha and is located on the southern side of Lindley Moor Road, Lindley. The site is flanked to the west by a recently completed and occupied industrial building (Lesjofors Springs), and to the east, beyond a public footpath an area occupied by Macs Trucks.

2.2 This entire area was part of a much larger mixed use approval for both residential and employment use 2016/93136, with this area comprising 2 development platforms, either side of the public right of way. Platform A to the west comprising 2 sites A1 (now occupied by Lesjofors Springs) and A2 (the site the subject of this application), and Plot B now occupied by Macs Trucks.

2.3 The development platforms and associated access points and footways have been provided in accordance with the agreed phasing of the overall approval.

2.4 To the south of this site, and both Plots A and B is an approval for a 30m landscaped buffer zone, beyond which is the residential development, facing onto Crosland Road, currently under construction by Harron Homes and Taylor Wimpey.

2.5. The site is part of a much larger employment allocation on the Unitary Development Plan, and a much larger mixed use (housing and employment) allocation on the Emerging Local Plan. The dealership would be Rybrook Cars, showrooms occupied by Land Rover and Jaguar.

**3.0 PROPOSAL:**

3.1 Full permission is sought for the erection of a motor car dealership, comprising 2 car showrooms, workshops and MOT areas, ancillary offices, car parking and display areas. The total floor area would be 5,563 sq m.

3.2 The building would be an elongated rectangular structure, with the narrow edge facing onto Lindley Moor Road. The building will be approx. 8m high, with the lower part of the frontage and side elevations glazed, either side of a central access point. In addition to the glazing the building would be clad in Sunshine Grey cladding, with a recessed feature above the central access point in Champagne Grey cladding.

3.3 The rear portion of the buildings (containing workshop areas etc) extends towards the rear of the site, and this is to be constructed of sliver grey cladding.

3.4 Access to the site is taken from Lindley Moor Road, to the east of the building, and serves 2 parking and service areas, one for each showroom either side of the building, which is centrally located within the site. There is a soft landscaped strip between the site and the rear edge of Lindley Moor Road. There is a small substation proposed adjacent to the main entrance.

3.5 Up to 87 people (full and part time) would be employed within the scheme and the typical opening hours would be:

- Monday- Friday 07.00-19.00;
- Saturday - 08.00-17.00; and
- Sunday- 10.00-16.00

**4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

4.1 Previous applications on this site and Housing allocation H8.17 are listed below:

98/992536 - Erection of 325 dwellings and garages

98/92256 - Provision of public open space and landscaping

Both of these were dealt with by the Secretary of State following a public inquiry and the residential appeal was dismissed on the grounds there was a supply of previously developed land for development, and as such release of the green field sites was premature.

The appeal for the open space was allowed.

2000/93276 - Outline application for employment and business use comprising industrial, commercial and storage units with ancillary facilities, road and parking- Withdrawn August 2005.

2009/92550 - Outline application for a Data campus and formation of access from Lindley Moor Road. (This is the same site as the current application) Refused.

Reason for refusal:

*"The application relates solely to part of an industrial allocation, B8.1 in the Kirklees Unitary Development Plan. Footnotes specify that this allocation should be developed comprehensively with Housing allocation H8.17. As such the application is contrary to the Kirklees Unitary Development Plan."*

This was the subject of appeal which was withdrawn following the approval of 2011/91518 (listed below).

2011/91518 - Outline application for Data Centre Campus with formation of access off Lindley Moor Road. Approved subject to a Section 106 agreement

2011/91519 - Full application for residential development (294 units) and associated works including the demolition of existing buildings, construction of new accesses from Cowrakes Road and Weatherhill Road, footpath, drainage, earthworks, provision of public open space and landscaping. Approved subject to a Section 106 agreement

NB Both of the above applications were considered concurrently and in relation to a comprehensive development framework. Both of the Section 106 agreements include an appropriate financial contribution towards infrastructure improvements within the area.

2014/92214 – Full application for 30 no dwellings. Approved

2014/93136 – Demolition of existing buildings, outline application for industrial development (Class B1c B2 or B8) Plot A - (160,000sq ft./14,864 sq.m) with engineering works to form development plateaux, formation of access from Lindley Moor Road, provision of services and drainage infrastructure. Erection of industrial unit Plot B - (50,000sqft/ 4648 sq.m) with access from Crosland Road. Detailed application (Plot C) for residential development of 252 dwellings with access from Crosland Road, engineering works to create underground drainage attenuation, provision of open space and landscaping.

2016/90613. Reserved Matters on Plot A1 (Lesjofors) - Approved and implemented.

2016/92055. 109 dwellings land off Crosland Road, Huddersfield-Approved.

2016/92870 Reserved Matters on Plot B (Macs Trucks) -Approved and implemented.

## 5.0 HISTORY OF NEGOTIATIONS

5.1 Additional justification has been requested and received regarding the final surface water run off rate from the site.

5.2 Clarity on the location and access to the electricity sub-station has been provided.

## 6.0 PLANNING POLICY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

**Development Plan:**

Site allocation:

The site is allocated for business, general industry and storage and distribution use (allocation B8.1) whilst the southern and eastern parts are allocated as buffer zone to the employment allocation. (Policy B3).

This site is part of a larger site, that is allocated a mixed use (employment and residential), on the Emerging Local Plan.

UDP policies:

B1 – Employment needs of the district
B3 – Buffer zones
BE1 – Design principles
BE2 – Quality of design
BE9 – Archaeological value
BE10 – Archaeological evaluation
BE12 – Space about buildings
BE23 – Crime prevention
D6 – Green corridors
T10 – Highway safety
T14 – Safeguarding existing pedestrian routes
T16 – Providing safe and attractive pedestrian routes within new development,
T17 – Developments to meet the needs of cyclists
T19 – Parking standards
G6 – Land contamination
H1 – Housing needs of the district
H10 – Affordable housing

H12 – Arrangements for securing affordable housing
H18 – Provision of open space
EP6 – Noise generating development
EP11 – Ecological landscaping
EP12 – Overhead power lines
EP4 – Noise sensitive development

Emerging Local Plan Policies.

Site part of allocation MX1911 Mixed Use site (Residential and Employment)

PLP1 Presumption in favour of sustainable development
PLP3 Location of new development
PLP20 Sustainable Transport
PLP21 Highways safety and access
PLP22 Parking
PLP24 Design
PLP27 Flood Risk
PLP28 Drainage
PLP30 Bio-diversity and Geo-diversity
PLP51 Protection and Improvement of Air Quality.
PLP53 Contaminated and unstable land

**National Planning Policy Framework;**

Part 1 - Building a strong competitive economy;
Part 2 - Ensuring the vitality of town centres
Part 4 - Promoting sustainable transport;
Part 6 - Delivering a wide choice of high quality homes
Part 7 - Promoting good design
Part 8 - Promoting healthy communities
Part 10 - Meeting the challenge of climate change, flooding and coastal change.
Part 11 - Conserving and enhancing the natural environment
Part 12 - Conserving and enhancing the historic environment

## 7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been publicised by site notices, and in the local press.

3 letters of representation have been received one which supports the scheme, as it will generate business in the local area and reduce congestion in the town centre.

The second on behalf of the Lindley Moor Action Group, objects stating that:

- the parking figures are misleading and paint a misleading picture;
- the employment claims fail to take into account the redundant sites replaced by this development. As manpower economies will be realised by this amalgamation, the impact on employment will be negative;
- the strategic intent for Lindley Moor was for jobs not parking spaces. Adjacent to Mac truck park, you have to question why even more acres of tarmac are of any conceivable community benefit

7.2 The third is received from Harron Homes (developers on the neighbouring residential site), who do not object in principle, but suggest a Grampian condition be imposed ensuring the completion of necessary road

improvements( granted as part of the original Peat Ponds approval 2014/93136) , prior to any development of this site being commenced..,

## 8.0 CONSULTATION RESPONSES:

8.1 **Statutory:**

**KC Highways DM.** No objections in principle recommend conditions

**Environment Agency.** No objections.

**Yorkshire Water Authority-** No objections recommend conditions.

8.2 **Non-statutory:**

**KC Environmental Health-** Recommend conditions.

**Lead Local Flood Authority-** Requested updated information regarding agreed discharge rates, and the impact on the already agreed drainage strategy across Plots A and B,

**Police Architectural Liaison Officer-** Requests a condition requiring the submission of a scheme including crime prevention measures. These to include

- Adequate boundary treatments;
- External Lighting Plan;
- External CCTV system;
- Intruder alarm systems

## 9.0 MAIN ISSUES

- Principle of Development
- Highways Issues
- Impact on Amenity;
- Landscape and Bio- diversity Issues;
- Drainage Issues;
- Environmental Issues;
- Crime Prevention.

## 10.0 APPRAISAL

Principle of development

10.1 The site is part of a larger employment allocation on the Unitary Development Plan, and already has the benefit of an outline approval for Class B1 (b&c) (Business Use-Research and development of products and processes & Light industry) and B2 (General Industrial) use, with the development already provided.

10.2 The car dealership does not fall into the B1, B2 use categories being a sui generis use, and as such a full application is required for the use as well as the

building and associated works. The proposal will deliver new investment in the north Kirklees area, including up to 87 jobs (full and part time), in a sustainable location. Also this development would complete the development of the delivery of the employment uses approved along the frontage of Lindley Moor Road, with all 3 plots being taken and occupied.

10.3 It is not considered that to permit this sui generis use conflicts with the Council's Development Plan and is not classed as a Departure from the Development Plan. This plot is one of 3 within the outline consent and taken as a whole the mix of sui generis and predominantly general industry is not considered to be a significant deviation from the UDP allocation. This use is similar and compliments the uses on the neighbouring plots, in particular Max Trucks. No objection is raised to the use of the site.

10.4. Other relevant policy issues affecting this site relate to the provision of a buffer zone, and the retention of a green corridor route along the Lindley Moor frontage. Both of these matters are dealt with in subsequent sections of this appraisal.

Highways Issues

10.5. This site comprises part of a larger employment permission, which in turn is part of the larger Peat Ponds mixed use development (residential and employment) approved in 2016. In turn the Peat Ponds development, and the highway implications were considered against the Comprehensive Development Framework, developed to deliver the necessary infrastructure improvements for both of the Lindley Moor allocations ie the Residential (Lindley View off Weatherhill Road, now substantially complete), and the Employment allocation, which included the Peat Ponds mixed use.

10.6. Set against the Comprehensive Development Framework, the Employment section of the Peat Ponds mixed use scheme, has delivered its share of the necessary funding towards the infrastructure improvements (and these are secured via existing Section 106 Obligations).

10.7. The level of contribution is based upon the level and type of traffic generation from each part of the development. The application is accompanied by a Transport Statement identifying the traffic generation associated with this type of use, and it is not considered that it will be significantly different from the approved B1, B2 (b&c) uses, or those of the neighbouring uses. As such it is considered that the proposed dealership, and the nature and extent of the traffic use, is in accordance with the level and types of uses originally envisaged, and the existing contributions to the infrastructure improvements are satisfactory.

10.8. The access off Lindley Moor Road, is as already agreed as part of the Peat Ponds mixed use approval. This site is plot A2 of that approval, and the siting and site coverage are no greater than was indicated at the outline stage. The Outline approval has conditions imposed upon it to secure the provision of the access point, and the necessary footpath improvements and white lining arrangements within Lindley Moor Road to afford safe vehicular access to this site, and pedestrian improvements

10.9. Within the site the circulation for vehicles is considered acceptable, with each franchise having its own car park, display and delivery working areas, adjacent

to its main showroom. These areas are extensive and provide for 101 parking spaces, 12 cycle spaces and 4 no spaces allocated for disabled users. In addition to these spaces there service and delivery areas to the rear of the site associated with the workshop element of each of the franchises. These areas are accessed via the car park areas, through a gateway within the security fence.

10.10. The level of parking and delivery service space is considered to be satisfactory, and should avoid any parking outside of the site.

10.11. Conditions are recommended to secure the provision and completion of necessary road and infrastructure improvements prior to the Dealership being brought into use, and subsequent maintenance of the parking and service area, the delivery and appropriate sight lines and visibility, and the production of a Travel Plan, and subsequent monitoring of the Travel Plan. The Travel Plan monitoring fee would be £15,000 (ie £3,000 per annum for 5 years). This will be secured via a Section 106 agreement.

Impact on Amenity

10.12. *Visual Amenity* The building is to be set back a considerable distance from the back edge of Lindley Moor Road, and whilst it will be 8 m in height, it is of a comparable scale and design to the neighbouring industrial units, already completed and in operation. The building is a high tech contemporary design incorporating substantial areas of glazing for the showroom sand a central entrance feature. This style and appearance are usual and appropriate for such uses in areas surrounded by such uses, and as in this case reflect corporate designs and templates.

10.13. The scheme in addition in addition to being set back from the back edge of the pavement, is also set behind a landscape strip, which is located between the back edge of Lindley Moor Road, and the access/parking in front of the proposed building. This landscaped area links through with an adjoining area to the front of Lesjofors to the west, and the green buffer to the public footpath to the east.

10.14. As such it is considered that the impact upon the visual amenities in this area is acceptable.

10.15. *Residential Amenity* The residential amenities most affected by this scheme (and indeed any of the Employment uses fronting onto Lindley Moor Road are the proposed dwellings to the south, approved as part of the Peat Ponds mixed use development. Between this site and the residential units is a 30m planted buffer zone, that has been relocated to safeguard residential amenity and provide visual relief, in accordance with the objectives of Policy B3 ( Buffer Zones) in the Unitary Development Plan.

Landscape/ Bio diversity issues

10.16. The scheme provides for soft landscaping to the front of the site adjacent the road, and linking to the neighbouring landscaped areas. These areas represent the line of a green corridor as identified on the Unitary Development Plan, and have been identified and retained as part of the Lindley Moor masterplan exercise to deliver a green infrastructure framework throughout and across the site. This framework for example also includes the planted buffer zone area.

10.17. The provision planting and subsequent maintenance of these areas is secured through a condition on the outline approval, and there is also a Landscape Management Plan that has been prepared and approved for the whole Peat Ponds site.

10.18. Aside from the soft landscaping and the provision of appropriate species, there is little opportunity (given the nature of the use and probable vehicle circulation), that successful roost opportunities could be sited on any of the buildings. However there will be a lighting condition required, which will cover the rear service areas adjacent to the wooded buffer zone, where there is ample opportunity for bio diversity enhancement.

Drainage Issues

10.19. This proposal is a re-plan of part of the Employment element of the Peat Ponds mixed use approval that was the subject of drainage conditions which have been negotiated and discharged. The amended use, and building shape, have not impinged upon any of the agreed or relevant routings for both foul and surface water, for serving either the front or rear of the site.

10.20 Additional information and clarification is being provided regarding the final surface water run off rates for this site, which would usually be at least 5l/s (green field run off). This matter should be agreed by the date of the Committee, but is in view of the existing approval, something that could, if necessary be covered by condition.

Environmental Issues

10.21. The site has been remediated, and the development platform provided, under the terms of the outline approval, ready to receive the new development. Noise is not an issue in this particular location with the nearest residential units being screened by a 30 m buffer zone.

10.22. A Lighting scheme will be require to provide security for this use and surrounding areas, (it is possible that the adjacent public right of way and cycle path ,could benefit from some ”borrowed” light on the eastern boundary. Also the lighting in terms of its intensity and sensitivity towards potential woodland habitat, would need to be carefully considered via the condition.

10.23. The whole of the Peat Ponds mixed use scheme, was subjected to an Air Quality Assessment that was considered in relation to the West Yorkshire Low Emissions Strategy. The level of impact was identified for both emitters and receptors, and found to be within acceptable limits. The levels of emission were quantified and monetised and mitigation measures identified and funded. These include the provision, and improvement of the public right of way, and the provision a cycle route. The relevant contributions for this site have already been secured via the outline approval, however the production of a bespoke travel plan would be required and this will be the subject of a condition.

Crime Prevention

10.24. There is no objection to the principle of this development, but there are a number of security issues and risks associate with this type of use It is recommend that a condition be imposed which requires the submission of a scheme identifying crime prevention measures for the site, which in this case would include lighting details, CCTV; boundary treatments and site management.

10.25. Adding a crime prevention condition will satisfy Policy BE23 of the Unitary Development Plan, in this case.

**11.0 CONCLUSION**

11.1 The proposal would deliver the development of the final plot (A2) of the Employment element of the approved Peat Ponds mixed use scheme, with an acceptable use providing inward investment into the area, and up to 87 jobs ( full and part time). The implementation and satisfactory completion of conditions on the outline approval , have provided for a site ready to receive this new development

11.2 Access and traffic arrangements proposed correspond to the site wide highways and transport strategy, already agreed and the internal arrangements are acceptable.

11.3 .The buildings style and appearance is considered appropriate, given its use, and its location next to other industrial uses with similar style buildings.

11.4. As such there is no objection to this scheme, and no objection is raised subject to the imposition of appropriate conditions

**12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)**

1. 3 years to commence the development
2. Develop in accordance with approved plans
3. Samples of materials
4. Details ,of boundary treatments
5. Landscape details
6. Highway conditions
   Visibility splays; provision of footpath along Lindley Moor Road; surfacing and drainage of the car park and service areas; construction management plan; provision of a Travel Plan; provision/ completion of outstanding infrastructure works required under the outline approval, prior to the Dealership being brought into use( Grampian),
7. Lighting condition
8. Crime Prevention condition
9. Drainage conditions

**Background Papers:**
Application and history files.
http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f90074
Certificate of Ownership –Certificate A signed