

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2018/61/93622/E

Site Address: Land at, Slipper Lane, Mirfield

Description: Reserved matters application pursuant to permission no 2018/90802 for removal of condition 31 (B8 floorspace) and variation of conditions 23 (Residential-Road Safety Audits) and 30 (Industrial-Road Safety Audits) on previous application 2014/90688 for outline application for erection of commercial floorspace (B1c, B2, B8) including details of engineering operations to form serviced employment plots

Recommending Officer: Bill Topping

DECISION – Approval of Reserved Matters

I hereby authorise the approval of this reserved matters application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

David Wordsworth

AUTHORISED OFFICER

Date: 18-Jan-2019

Officer Report

Site Description

The application site comprises land on the northern urban fringe of Mirfield and consists of 12.38 hectares of land. The site has a frontage to Leeds Road (A62) and is bisected by Taylor Hall Lane. The site is bounded by Leeds Road to the north, by the rear of properties fronting Sunny Bank Road to the east, open fields, school playing fields and a former landfill site to the south and Slipper Lane to the west.

Taylor Hall Lane provides vehicular access from Leeds Road to a small group of cottages. Beyond this, it has been closed to vehicular traffic, but provides a pedestrian/cycle link. A public footpath also crosses the site from Sunny Bank Road to Leeds Road. Slipper Lane gives access from the south to residential properties; there is no direct access from Leeds Road via Slipper Lane.

To the west of Taylor Hall Lane, the site is largely flat, becoming dome shaped where it abuts Slipper Lane, with a level change of approximately 9 metres. To the east of Taylor Hall Lane the site falls uniformly from Leeds Road to the south east with a level change of approximately 10 metres. The site has the appearance of open fields.

This application relates to the industrial site- Phase 1 which is the part of the site next to Taylor Hall Lane, Mirfield.

PROPOSAL:

This application is a Reserved Matters submission in pursuit of the Outline approval 2018/90801, which also agreed access. As such it is siting/ layout, scale and appearance, and landscaping that are for consideration.

Proposal is for a 6,894 sq m (70,000 sq foot) industrial unit, located on the eastern part of the site backing onto Slipper Lane. This building has a bespoke end user.

There is a parking and loading area for the scheme, including parking for staff, and loading/ unloading for lorries, as required by the end user. The building is approx. 16 m to ridge height, and is to be constructed of both horizontal and vertical cladding, on a shallow plinth.

As part of the outline approval a buffer zone for planting was identified, which proposed a as much retention of boundary trees and hedgerow as possible. The submitted landscape scheme has retained perimeter tree and hedge, as well as augmenting with additional planting. This landscaping is around the boundaries which face onto Leeds Road, Taylor Hall Lane and the rear gardens of the residential terrace on Leeds Road. The land to the south is a green field area containing a football pitch.

RELEVANT PLANNING HISTORY (including enforcement history):

2007/90423 – Outline application for B1 (Offices) and B2 (General Industry) and hotel. Withdrawn.

2008/90695 – Outline application for B1 (a, b, c) and B2 use within a Continuing Care Retirement Community and Ancillary A1 use together with means of access, landscaping and change of site levels. Approved.

2011/92428 - Erection of two B2 (general industrial) /B8 (storage & distribution) use buildings (14,100 sq.m in total) with ancillary B1 offices, formation of access, car parking, drainage proposals, landscaping and the erection of a 6m high acoustic fence, gate house, substation, site compound and temporary stockpiling of fill materials and top soil on land to the east of the proposed buildings. Approved

2012/93087 - Extension to time limit to previous permission 2008/90695 for outline application for B1 (A,B,) and B2 use within a continuing care retirement community and ancillary A1 use together with means of access, landscaping and change of site levels. Approved

2014/90688- Outline application for the erection of commercial floor space(B1c, B2 B8) including details of engineering operations to form serviced employment plots and full application for 166 dwellings .Approved subject to a Section 106 Agreement.

2018/90801 Reserved Matters application on industrial only scheme applying for access only. Approved

2018/90802. Variation of/ removal of conditions 31, and 23 and 30 of 2014/90688. Approved

HISTORY OF NEGOTIATIONS (including revisions to the scheme):

Revised parking layout and parking justification for numbers with provision of potential alternate / additional parking to cover the range of uses permitted ie B1c, B2 B8. Current proposed use is primarily B8.

Marginal realignment of internal estate road to correctly align with the access approved.

Checked and improved planting along SE boundary (nearest boundary to the terrace of dwellings on Leeds Road.

Amendments to submitted drainage scheme.

PLANNING POLICY:

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.

Unitary Development Plan:

UDP allocation – The majority of the application site is allocated for Business and Industry (Policy B2), with the eastern and western boundaries (and a small amount of the southern boundary) of the site allocated as Buffer Zones (Policy B3).

BE1 – Good quality design

BE2 – New development to be in keeping with surroundings

BE11 – Materials

BE23 – New development should incorporate crime prevention measures

B1 – Employment needs

B2 – Allocation of land for business and industry

B3 – Buffer Zones

T10 – Highway safety

T16 – Pedestrian routes

T17 – Cycling provision

T19 – Parking standards

EP4 – Noise sensitive developments

EP6 – Noise levels

EP11 – Ecological landscaping

G6 – Contaminated land

NE9 – Trees

Emerging Local Plan

The site is allocated as a mixed use development (MX19290) on the Emerging Local Plan.

PLP3 Location of new development

PLP4 Providing infrastructure

PLP8 Safeguarding employment land and premises

PLP9 Supporting skilled and flexible communities and workforce.

PLP20 Sustainable travel

PLP21 Highway safety and access
PLP24 Design
PLP28 Drainage
PLP52 Protection and improvement of environmental quality
PLP53 Contaminated and unstable land.

National Planning Policy Framework (NPPF):

‘Core Planning Principles’

‘Decision taking’

:

Part 1 Building a strong, competitive economy

Part 4 Promoting sustainable transport

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

Other guidance:

SPD1 – Negotiating financial contributions for transport improvements

SPD 2 Affordable Housing

‘Providing for Education Needs Generated by New Housing’ (KMC Policy Guidance)

Representations

Proposal was publicised by site notice and neighbour letters- No representations received.

Ward Members notified and information/clarity provided to Cllr Bolt prior to MTC meeting

Mirfield TC- The following motion was passed at Town Council.(received

Cllr Bolt Proposed MTC demand of Kirklees prior to commencement that the *developer facilitate off site works and all modifications to junctions are completed. Cllrs are concerned about drainage at Leeds Road/Stocks Bank & Cooper Bridge and want clarification that this has been addressed. MTC would like sight of the water run off retained at site at Greenfield Levels & request that the site have renewable energy* Cllr Ibberson Seconded Vote: All in favour

Subsequently Cllr Bolt forwarded a letter from the Mirfield TC relating to 4 applications ie 2018/90801; 2018/90802 ; 2018/91005 and the current Reserved Matters.

This letter is a critique and series of statements questions relating mainly to Highways issues. The applications referred to ie 2018/90801 & 90802 that were determined by Strategic Committee in September. Application 2018/91005 relates to a discharge of conditions application that do not relate

to highways or the issues not already covered by the above 2 approvals, and there are no comments included that address the Reserved Matters applied for which are scale and appearance, layout and landscaping for the first unit.

Cllr Bolt states the application has been erroneously advertised as being in Liversedge and Gomersal, not Mirfield and as such wants the second letter to be considered before any decision is taken.

NOTE: The application was correctly publicised by neighbour letters and notices around the site. Also weekly lists were sent to Councillors in both wards. Also Mirfield TC were notified and made representations in December. As such, notwithstanding the fact the site omits Mirfield the annotation should say Liversedge and Gomersal, and Mirfield, more than adequate notification of the relevant people has taken place (as evidenced by the MTC December comments).

The contents of the second MTC letter has been considered in as much as it relates to what is actually applied for in the current Res Matters

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

KC Highways DM- Amended plan received are acceptable, and supplementary parking note detailing parking levels , and contingency arrangements for an alternative user, should that ever come about.

KC Trees- Ensure that the tree protection plan agreed as part of the discharge of condition can be still be implemented, given the increase in size of the building on this plot.

KC Lead Local Flood Authority- Amended plans received. These need to safeguard the option to discharge surface water from Phase 2 of the site into the Slipper Lane outlet. Pland and e mails received are now acceptable

NB. There are a number of other conditions on the Industrial outline (not pre conditions) including air quality, noise, lighting that ned to be discharged prior to occupation of the unit.

Assessment

The principle of this use on this part of the Industrial site (Phase1) is already agreed. The proposed building is a bespoke building which takes up the majority of Phase 1 of the site.

Siting/ layout. The siting of this unit is actually set back off Leeds Road and to the rear of the curtilage of the residential terrace that fronts onto Leeds Road. The rear of the building backs onto Taylor Hall Road. Along the boundary of the site on Taylor Hall Road, and the rear of the residential terrace are a number of trees which are to be retained. The trees to the rear of the terrace are tall Poplars, and afford a significant degree of screening for those properties and their gardens. The proposed building is set back approx. 6 m from the boundary, and is the side of the building that faces towards the rear of the terrace, and opposite the terrace there are no window openings. The NW corner of the building contains a number of windows, including a small upper floor office, but these are to west of the rear of the houses, not overlooking the gardens or the rear windows. The access and activity associate with this building faces away from the residential terrace, as such the siting and orientation of the building are considered satisfactory. The layout element includes the access road within the site, the parking and servicing for Phase 1. This has been amended to satisfy the Highways DM, and link up with the access off Leeds Road approved at the outline stage.

Scale and appearance. The building proposed is a functional modern industrial unit constructed largely of cladding with a number of glazed areas upon a shallow plinth. As such is an appropriate appearance for an industrial estate. It is set back from the Leeds Road frontage but will be visible in part from the road, and also from Taylor Hall Lane.

This is a very substantial building with a large footprint and a ridge height of approx. 15 m. The surrounding boundary trees are to be retained, and the trees to the rear of the terrace will afford screening from the dwellings, and also from the Taylor Hill Lane, however the building cannot be completely screened. However, given that the sites use the retention of boundary planting and additional planting for this phase softens the impact, which is considered to be acceptable.

Landscape. As stated earlier the perimeter trees around the site are to be retained, and a part of the Outline approval, a condition has been impose and discharged which ensures the protection of these trees during construction. In addition to this a Landscape scheme has been submitted which provides for additional tree and shrub planting around the perimeters including the Leeds Road frontage and either side of the main access points and surrounding the car park areas. The existing hedgerow is retained along the southern boundary next to the football pitch. The range of species and types of trees are appropriate for the location and are also considered to afford biodiversity opportunities. The landscape proposals are considered acceptable.

Other Issues. There are a significant number of conditions on the industrial outline, that need to be discharged prior to the occupation of this building, which when occupied will secure employment opportunities for this district. These matters relate to noise, air quality, and lighting, which further safeguard the residential amenities of the residential terrace.

Conclusion

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.

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 appropriate for the site and surroundings and does not prejudice the delivery of Phase 2 (industrial). The proposal is therefore recommended for approval.

Recommendation – Reserved Matters be approved

Decision Authorisation - Delegated Powers

Application Number: 2018/93622

Officer Recommendation: Reserved Matters be approved

Conditions and Reasons

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Proposed site plan	1856-03 2001	D	11/01/2019
Proposed Building Plan	1856-03 2002	A	11/01/2019
Proposed Elevations	1856-03 2003-B	A	11/01/2019
Site Access Plan	1856-03 2004	A	11/01/2019
Site Plan	1856-03 2005	-	11/01/2019
Proposed Site Plan	1856-03 2006	-	11/01/2019
Tracking Details	1856-03 2007	-	11/01/2019
Tree Protection Plan	4050.03	A	18/01/2019
Planting Plan (1 of 2)	4050.04	B	18/01/2019
Planting Plan (2 of 3)	4050.05	A	18/01/2019
Parking Technical Note	2019-01-15	1.0	15/01/2019
Drainage Strategy	75699-cur-00-ZZ-DR-C-92002-P03	P03	12/12/2018
Enabling Works Drainage Layout	75699-cur-00-ZZ-DR-C-92101-P03	P03	12/12/2018
Drainage connection details email	17 January 2019 16:00 Luke McCabe to Paul Farndale	-	17/01/2019

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application

Report Dated: 18/01/18