



Supporting Planning Statement

**Proposed Mixed Use Scheme
including Industrial /Distribution
Warehouses, Convenience Store,
Restaurant, Two Coffee
Shops/Takeaways and associated
works, Land off Lindley Moor Road,
Lindley, Huddersfield HD3 3SX.**

Date: April 2022

Reference: 13620

1.0 Introduction

- 1.1 This Supporting Planning statement has been prepared by **D5 Planning, Town Planning Consultants** on behalf of 2SH Developments Limited and has been prepared to support a hybrid application for a proposed mixed-use scheme seeking full planning permission for the access into the site, estate road and one employment unit and outline planning permission for the remainder of the site including the frontage land where the proposed convenience store and food & beverage outlets are located and an industrial use.
- 1.2 The application follows feedback from a pre-application enquiry that was reported to the Council's Strategic Planning Committee, dated 24th February 2021. The report is attached at **Appendix A**. The proposals were received positively by both Officers and Councillors and the concluding comments are set out in full below.

Conclusion

6.72 In conclusion, bringing forward the remaining part of this mixed-use allocation is welcomed. The proposed B use class units would provide a mix of modern industrial buildings that are suitable for a range of businesses and situated in a strategic location. This element of the scheme would contribute towards the supply of industrial floorspace in the district and deliver economic benefits through job creation.

6.73 The proposal also includes a number of 'employment generating uses' (retail and leisure) which are not in accordance

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with the land's allocation. The inclusion of these uses restricts the ability of the site to more closely deliver the level of employment floorspace required by this allocation. Nevertheless, it is considered that there is scope for some flexibility with the uses on this site, but this will need to be robustly justified as part of a future planning application. Furthermore, those uses which are defined as main town centre uses will need to be subject to a Sequential Test and Impact Assessment.

6.74 The final scheme will need to fully address the urban design issues set out in this report as well as the advice provided by technical consultees.

7.0 Recommendation

7.1 That members note the contents of this report for information.

- 1.3 Outline planning permission has previously been approved on the site for employment uses (B1b, B1c, B2, B8) under application reference 2013/93433. All matters were reserved, and it was therefore only the principle of development that was approved at that time.
- 1.4 The application submitted reflects comments in the Officer report and provides justification for the retail/leisure use elements of the scheme as requested.

2.0 Site Description

- 2.1 The site comprises of a parcel of greenfield land that sits between Crosland Road and Weatherhill Road, Lindley. The site is some 6.3

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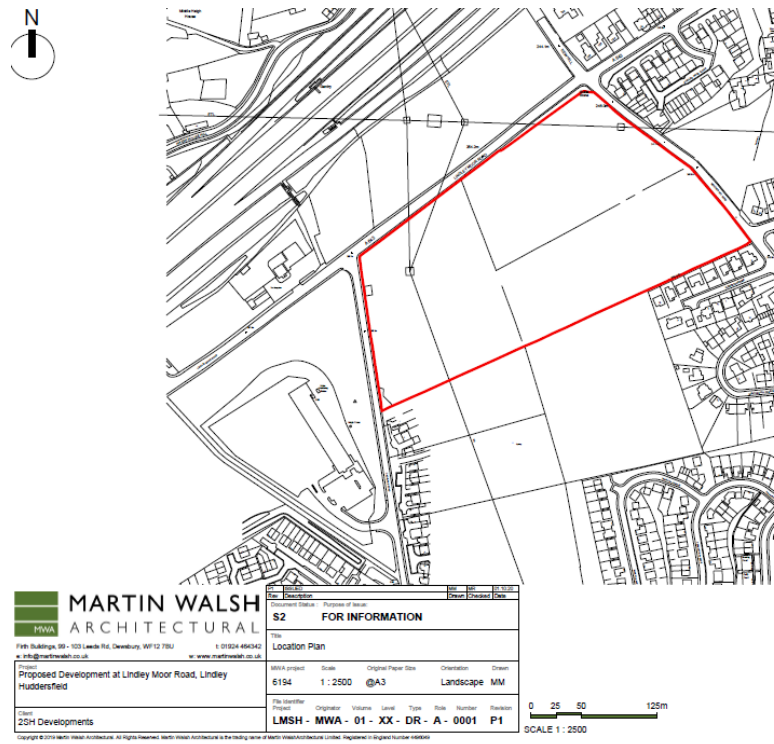
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hectares of land that is currently used for pasture farming by the applicant. The site sits at the peak of Lindley Moor, with the highest point located to the west of the site and then gradually falling to the east.

- 2.2 The site is bound to the north by Lindley Moor Road, which defines the boundary with Green Belt land beyond. The site is bound to the south by part residential development and part greenfield land. An area of undeveloped land exists to the east of the site along with a number of residential properties. Just to the west of the site is Mac's Trucks, with other commercial units lying further to the west along Lindley Moor Road (Rybrook Jaguar & Land Rover and Lesjöfors Springs).
- 2.3 There are some overhead power lines running across the site along with two associated pylons in the north-western and north-eastern corners of the site. There is also a public right of way that runs parallel to the southern boundary.
- 2.4 The site is part of a larger mixed-use allocation in the Local Plan (MXS3) which is just over 32 hectares in size and is allocated for housing and employment. Much of this allocation has already been built-out under various different planning permissions. The site forms the north eastern corner of the allocation.

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3.0 Proposed Development

3.1 The proposed development is for erection of industrial unit for B1/B2/B8 use with associated access, parking, groundworks and landscaping and outline permission for mixed use development use class E(a), E(b), A3/A5, B1, B2 and B8. The submission is supported by the following reports along with a number of plans providing details of the proposed development.

Consultant Reports:

- Sequential Test and Impact Assessment;
- Coal Mining Risk Assessment;

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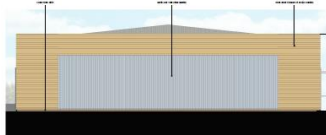
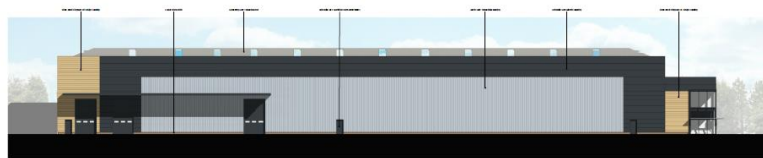
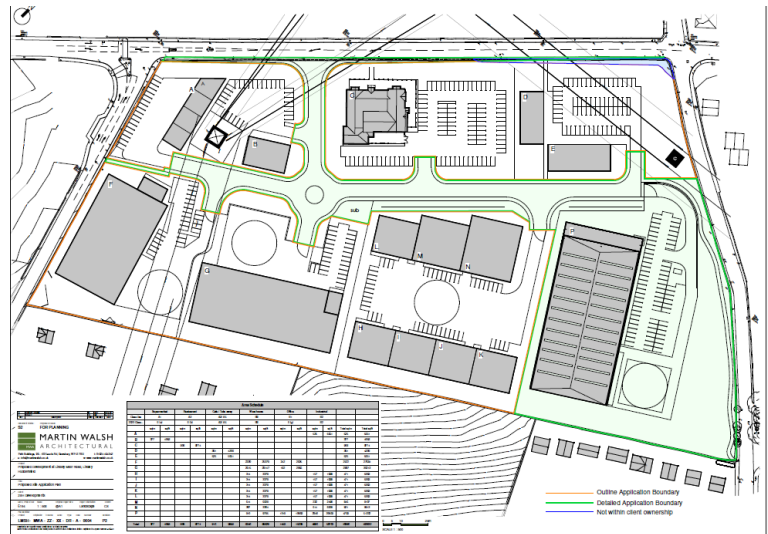
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- Phase 1 Preliminary Risk Assessment;
- Phase 2 Site Investigation;
- Heritage Impact Assessment;
- Ecological Impact Assessment;
- Proposed Landscaping;
- Air Quality Impact Assessment;
- Highways Reports;
- Flood Risk Assessment;
- Urban Drainage Design for basin and swales;
- Surface Water Drainage Assessment;
- Foul Water Drainage Assessment;
- Noise and Impact Assessment;
- Supporting Planning Statement.

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4.0 Relevant Planning Policy

4.1 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

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

- 4.2 The site forms part of a mixed-use employment and housing allocation in the Local Plan (MXS3). The vast majority of the allocation has been developed for housing and employment uses and the enquiry site is essentially the last parcel of undeveloped land on the allocation. Commercial development would reflect the nature of the other uses that occupy the northern part of the allocation and the location of the site is such that it provides a direct link to the main road network.
- 4.3 The site is reasonably well separated from neighbouring houses although there is some residential development to part of the southern boundary and towards the east. It is noticeable that a significant proportion of the allocation has also already been developed for housing as opposed to commercial, employment generating uses. The following policy is relevant in the consideration of the planning application.

Site MXS3 Local Plan ID MXS3 Site address Land south of Lindley Moor Road, Lindley, Huddersfield

*Ownership Private Gross site area (Ha) 32.16 Net site area (Ha) 32.16
Constraints Additional mitigation on wider highway network may be required
Improvements to local highway links may be required*

*Additional mitigation on the wider highway network may be required;
Public rights of way cross the site;*

Air quality issues;

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Potentially contaminated land;

Noise source near site;

Odour source near site;

Part/all of the site is within a High Risk Coal Referral Area;

Power lines cross the site;

Listed buildings are within and close to the site;

Site includes area of archaeological interest;

Allocation Mixed use - housing and employment,

Indicative capacity: Housing 443 dwellings;

Indicative capacity: 41,702 Employment (sq.m.)

Reports required;

Transport Assessment, Travel Plan, Air Quality Impact Assessment, Contamination report (Phase 1), Noise assessment, Odour assessment, Flood Risk Assessment, Coal Mining Risk Assessment, Heritage Impact Assessment, Pre-determination archaeological assessment.

Other site specific considerations; Residential amenity will need safeguarding through sensitive siting of buildings and landscape buffer areas.

National Policies and Guidance

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National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), published July 2021, and the Planning Practice Guidance Suite (PPGS), first launched 6th March 2014, together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

Other relevant national guidance and documents include:

- MHCLG: National Design Guide (2021)

5.0 The Planning Case for the proposed development

5.1 The Pre-application enquiry assessment in the Officer report to the Council's Strategic Planning Committee is an appropriate place to start in assessing the case for the proposed development.

Principle of development

5.2 The site effectively forms the last part of a wider mixed use, employment and housing, allocation in the Kirklees Local Plan – Site MXS3. Given that a large part of the allocation has been taken up by approvals for housing development, development of this site for employment generating uses would be wholly appropriate.

5.3 Whilst the Local Plan defines Employment use as operations falling within the B use class i.e. business which can be carried out in a

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residential area without detriment to its amenity (formerly B1, now use class E(g)), general industry (B2) and storage and distribution (B8), it also acknowledges what can be considered as employment generating uses : -

Employment generating use

The B use class employment uses derived from the Town and Country Planning (Use Classes) Order Guide 1987 (as amended). These are: B1 Business (a) Offices (other than those that fall within A2 (Professional and Financial Services) (b) Research and Development of products or processes (c) Light Industry B2 General Industry B8 Storage and Distribution And enterprises which provide jobs, for example, retail, hotel, assembly and leisure and certain non-residential Sui Generis uses (such as clubs, cash and carry businesses and builders merchants). Taking all of the above into account along with all the other supporting information submitted, we trust the application will be supported.

- 5.4 Given this, the retail, restaurant and coffee shops proposed alongside the B Class uses would also generate employment. Indeed, there is a strong likelihood that these uses would generate greater employment levels than those associated with something like a B8 warehouse.
- 5.5 The whole MXS3 allocation identifies an employment floorspace of 41,702 square metres (indicative). Part of this allocation has already been developed for employment use; this has been delivered through the Mac's Trucks, Rybrook Jaguar & Land Rover and Lesjöfors Springs sites and, from information provided by the Council, these developments total 13,814 square metres of floorspace.

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- 5.6 The proposal would provide 14,795 square metres of employment use floorspace. This is shared between 11 units in a range of sizes. This is all within the B2 (general industrial) and B8 (storage and distribution) use classes. There is also a small amount of ancillary office space associated with two of the larger units.
- 5.7 Also proposed is 3109 square metres of floorspace which falls within the E(a) and E(b) use classes. This is in the form of a small supermarket, restaurant and two café/takeaway units (if the café/takeaway units were predominantly for consumption of food off the premises then they would be classed as *sui generis*).
- 5.8 The policy is quite restrictive in limiting development to uses only falling within the B Use Class. Given that the aim is to generate employment then it would be a little perverse to ignore other employment generating uses being proposed here. The wider range of class uses provides economical sustainability for the site with a wider range of businesses utilising areas of the site, whilst also providing additional services to staff located on the site and on surrounding commercial sites. It would also provide facilities of an appropriate scale for the significant number of new residential properties recently built in the area who would be within walking distance of the small retail store and restaurant/cafes. This would be far more sustainable than having to drive to other nearby centres.
- 5.9 Taking all the above into account, alongside the Retail Sequential Test and Impact Assessment, we consider that the proposed development accords with the allocation along with compatible employment

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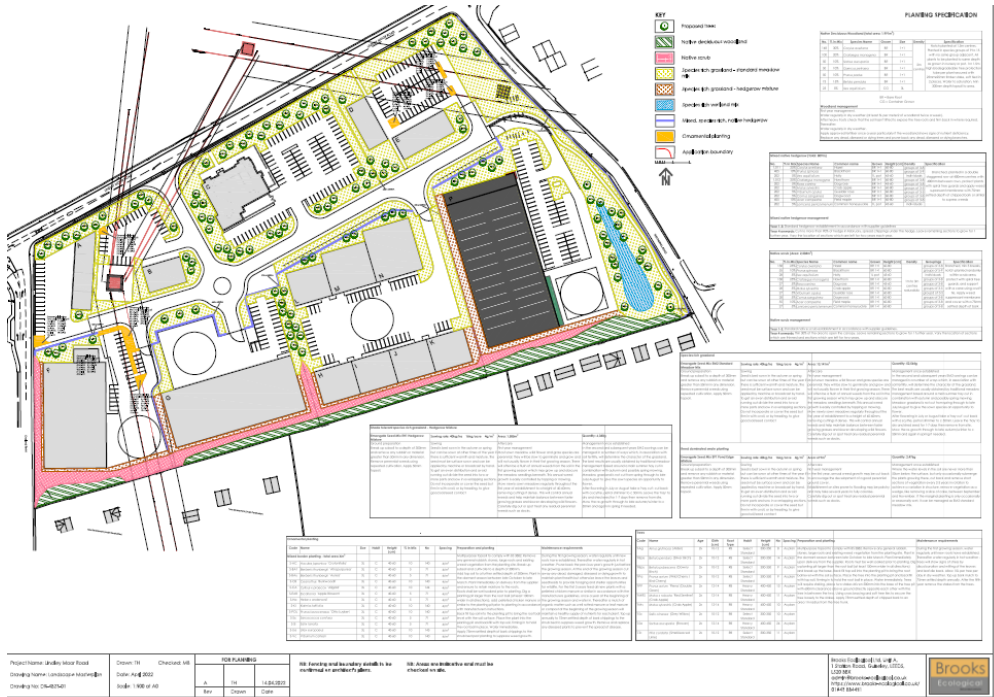
generating uses. It would clearly generate employment. An end user has been secured for the unit subject to the full planning application and an approval would see work start on site to complete the unit.

Urban Design Issues

- 5.10 Full details have been submitted for the Unit where full planning permission is sought. Whilst this is a functional industrial building located to the rear of the site, careful consideration has been given to providing interest in the choice of external materials.
- 5.11 The proposal has been designed to reduce in scale and mass from the south to the north as the site increases in height. The larger units (employment use) are located on the lower lying land with the smaller retail and leisure buildings occupying the higher ground. This would help to mitigate the visual impact of the proposals within the landscape. The submitted Landscape Master Plan shows how the site would be landscaped and the setting of buildings within the site.

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Residential Amenity Issues

- 5.12 The development adjoins new residential properties on the southern boundary. A Noise Impact Assessment has been submitted to support the application. There is generally a good degree of physical separation between the proposed units and the nearest houses. Unit P has the closest relationship to neighbouring residential property and section drawings have been submitted to demonstrate how any impact is mitigated.

Highway Issues

- 5.13 Comments in the Pre-application advise have been taken on board by this submission and the application is supported by Highway Reports dealing with highway matters.

Drainage and flood risk issues

- 5.14 The site is in Flood Zone 1 on the Environment Agency's Flood Map for Planning. This means that it is land that is at the lowest risk of flooding from main river sources. Notwithstanding this, a Flood Risk Assessment Report has been submitted with the application to show the drainage strategy for the site.

Ecology

- 5.15 A Preliminary Ecological Appraisal (PEA) was submitted with the Pre-application enquiry and this concluded that the site is of limited ecological value. The site appears to have been somewhat degraded by agricultural practices and is subject to disturbance from adjacent roads,

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residential and commercial development. Overall, the site supports a limited number of lower value habitats.

- 5.16 The Council's Ecology Unit considered that the PEA allowed a sufficient interpretation of the ecological constraints present on the site. The PEA included several recommendations for ecological enhancement, and these should be used to inform the final scheme design. An Ecological Impact Assessment has been submitted in support of the application to deal with ecological matters.

Air Quality and Contamination Issues

- 5.17 The site is located adjacent to an Air Quality Management Area. An Air Quality Management Assessment Report has been submitted along with a Coal Mining Risk Assessment and Land Contamination Reports to cover these issues.

Other Matters

- 5.18 Following comments in response to the Pre-Application Enquiry, reports have also been submitted in respect of Heritage issues and Archaeology matters.

Concluding comments

- 5.19 Kirklees had a vision for Lindley Moor providing employment development going as far back as the Kirklees Unitary Development Plan adopted in 1999 (UDP). For many reasons there was no take up for this allocation and it became diluted by a number of residential developments. However, way beyond the plan period, and before the

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Local Plan was adopted in 2019, a number of commercial developments were approved and built along Lindley Moor Road. Approval of the application would see the last site come forward providing a good mix of employment generating uses supporting the Council's long held ambition to see the area generate employment.

5.20 We trust the Council will support the submitted details.

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