



Report of the Chief Planning Officer -

SOUTH AND WEST PLANS PANEL

Date: 31st July 2014

Subject: Application number 13/05550/FU: Erection of five light industrial units, Pool Road, Otley

APPLICANT

Pendle Projects Ltd
and Weidmann Whiteley Ltd

DATE VALID

12 December 2013

TARGET DATE

7 August 2014

Electoral Wards Affected:

Adel and Wharfedale

Yes Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

DEFER and DELEGATE approval to the Chief Planning Officer subject to the specified conditions and the completion of a legal agreement within 3 months from the date of resolution unless otherwise agreed in writing by the Chief Planning Officer to include the following obligations:

- Capital receipt from the sale of the application land to be reinvested in the Weidmann Whiteley business at Pool

- The adjoining sports pitch to be made available to the community for a minimum period of 15 years.

Conditions

1. Development to commence within 3 years.
2. Development to accord with approved plans
3. External materials to be approved
4. Landscape scheme to be approved
5. Landscaping scheme to be carried out
6. Hours of operation and deliveries shall be limited to 07.30 to 18.00 Monday To Saturday and not Sundays or Bank Holidays

7. The combined noise from fixed plant shall not exceed a rating level as defined by BS4142 by more than 5dB(A) below the lowest background (L90) during which the plant will operate.
8. Means of waste storage and collection to be approved.
9. Site to be investigated for contamination and remediated as needed.
10. Vehicular areas to be surfaced and drained.
11. Parking arrangements for sports pitch set out in lease to Pool AFC to be retained
12. Cycle parking to be implemented and retained
13. Restriction to five light industrial / storage uses

1.0 INTRODUCTION

- 1.1 This is a proposal for industrial development in the designated Green Belt. The development is therefore contrary to Development Plan policy and the application falls to be determined by Plans Panel. A Position Statement on this proposal was considered by the Panel on 29 May 2014. Members at that stage were generally supportive of the proposal. 2 separate confidential papers which deal with financial matters which the applicant has brought forward in support of the application were provided to the Panel and these are also included as confidential items as part of the Panel papers.

2.0 PROPOSAL:

- 2.1 The application is for the erection of 5 light industrial units on the site of a demolished sports and social clubhouse building . The building is of a modern 2 storey design and there is an area of car parking to the frontage.

3.0 SITE AND SURROUNDINGS

- 3.1 The site is the former site of a sports and social club which was demolished in 2008 although the building spoil was not cleared and remains on the site. To the Pool Road frontage is car parking and to the rear of the site is a former cricket pitch. To the west of the site is the extensive Weidman Whiteley complex comprising a range of manufacturing buildings in a variety of built forms. The whole of this area is within the designated Green Belt. To the east of the site are detached houses fronting Pool Road and opposite is Pool Business Park which is an adapted red brick mill site.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 11/00213/FU - Erection of 5 light industrial units on site of former sports and social club – application withdrawn.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 Discussions have taken place with the applicant over a number of years. Ward Members attended a meeting at the premises on the 22 Aug 2011. At that time the company had tabled two proposals:

1. A commercial development of 5 two storey commercial units in the area of the demolished former sports pavilion and adjoining hard standing.
2. A residential development of 9 detached and semi-detached houses also within this area but also taking in the side garden of Brame House.

5.2 Position statement to South and West Plans Panel 29 May 2014

A position statement on the application was considered by Panel with supporting confidential reports. Members were generally supportive of the proposal and in response to Members comments and questions, the following items were minuted:

- Further clarity was sought on the long term use of the playing pitches.
- Long term viability of the business and the support from the parent company. It was reported that it was the aim for the business to become self-sufficient but that there was a long term commitment from the parent company.

6.0 **PUBLIC/LOCAL RESPONSE:**

6.1 The application was advertised by a site notice posted on 24 December 2013 with an expiry date of 14th January 2014.

6.2 45 letters of support to the application have been received, some of which are from outside the Leeds district. These state that the development would serve to tidy up the site and generate local employment opportunities. Support is also expressed for the reuse of the sports pitch.

7.0 **CONSULTATION RESPONSES:**

Highway Authority

7.1 No objections subject to conditions. Access would be via a shared access from the A659 which has an existing right turn lane. It may be necessary to ensure that parking for the sports field does not conflict with parking for the business units. The site is near to bus stops on Pool Road,

Environmental Protection Team

7.2 There is potential for noise disturbance to nearby residents from activities at the premises and vehicle movements. If permission is granted hours of use should be restricted to 08.00 to 18.00 hours Mondays to Saturdays with no operations on Sundays and Bank Holidays.

Sport England

7.3 The industrial units will be located on an area that previously accommodated the sports club and car parking. The area is hard standing and the adjoining playing field will be unaffected by the proposal. As part of the proposal it is understood that the playing field is being brought back into use for football for use by Pool AFC. Indications are that the club is happy with the quality of the pitch. Given the above Sport England does not wish to raise an objection to the application.

8.0 **PLANNING POLICIES:**

8.1 Under Section 38 of the Planning and Compulsory Purchase Act 2004, decisions on planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

8.2 The development plan for Leeds is made up of the adopted Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013.

8.3 The site is allocated as Green Belt in the UDP and adjoins an area allocated as a Protected Playing pitch.

The following policies are therefore relevant to the consideration of the application:

GP5 – General planning considerations, including amenity.

GP11 – Sustainable design principles

E1 – Retention of existing firms where strengthen the existing economy without creating significant environmental disbenefits.

N6 – Protected playing pitches.

N13 – Design and new buildings

N32 – Green Belt

N33 – Green Belt

T2 – Highway safety

T5 – Provision for pedestrians and cyclists

T6 – Provision for disabled people and those with mobility problems

T7A & T7B – Cycle and motorcycle parking

T24 – Parking requirements

BD5 – New development and amenity

LD1 – Landscaping

Draft Core Strategy

8.4 The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. On 26th April 2013 the Council submitted the Publication Draft Core Strategy to the Secretary of State for examination and an Inspector has been appointed and examination has now been completed and the Inspectors report is awaited.

8.5 As the Council has submitted the Publication Draft Core Strategy for independent examination and the Inspector has indicated suggested modifications which have now been advertised weight can now be attached to the document and its policies.

8.6 The following policies within the Draft Core Strategy are relevant.

Spatial policy 1 – Location of development

Spatial Policy 10 – Green Belt

Policy P10 – Design

Policy P12 – Landscape

Policy T2 – Accessibility requirements and new development

Policy EN2 – Sustainable design and construction

Supplementary Planning Guidance and Documents

8.7 The following Supplementary Planning Documents (SPDs) are relevant to the consideration of the proposals:

‘Building for Tomorrow Today’: Sustainable Design and Construction SPD.

National Planning Policy

- 8.8 The National Planning Policy Framework (NPPF) was published on 27th March 2012 and replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.
- 8.9 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The development plans have to achieve economic, environmental and social aspects of sustainable development.
- The economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.
 - The social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being.
 - The environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimize waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
- 8.10 The NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

9.0 MAIN ISSUES

- Impact on the openness of the Green Belt
- Design and layout
- Car parking arrangements
- Residential amenity
- Green Belt Departure procedural matters
- Development in the Green Belt and very special circumstances

10.0 APPRAISAL

Impact on the openness of the Green Belt

- 10.1 Although the site has a somewhat untidy appearance this is largely the result of the building spoil from the demolished Sports and Social club not having been removed from the site. Although a (smaller) single storey building stood on the site this has long since demolished and the site is predominantly open. As viewed from Pool Road there are open views across the site to the sports pitch and Otley Chevin and open countryside beyond. The proposed two storey building will to an extent obscure such views and must be considered to result in some loss of openness to the Green Belt.

Design and layout

- 10.2 The proposal is to erect a 2 storey building with a shallow pitched roof split into 5 units which have manufacturing/storage space on the ground floor served by roller shutter access doors, with office space above. Walling materials are indicatively shown as art stone and timber cladding. To the front of the building is an area laid out as car parking. Access is from the existing access to the Weidmann Whiteley complex from Pool Road. The development would have a fairly neutral character which would not be at odds with the character of its surroundings which include commercial buildings of a variety of styles and materials.

Car parking arrangements

- 10.3 Car parking for the sports pitch has been identified within the adjoining Weidmann Whiteley forecourt. The industrial units would have frontage servicing and parking which is adequate for their needs.

Residential amenity

- 10.4 It is noted that there are dwellings adjoining the application site and that in the event that planning permission is granted consideration will need to be given to the nature of permitted industrial uses and hours of operation. The description of the development proposed for approval is therefore within Class B1 (light industrial) and Class B8 (storage and distribution) and a condition regarding hours of use and deliveries is recommended.

Green Belt Departure procedural matters

- 10.5 Certain categories of Green Belt development must be referred to the Secretary of State by local planning authorities (where approval is proposed) by virtue of the Town and Country Planning(Consultation) (England) Direction 2009. This is so in the case of:

- (a) the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- (b) any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.

With respect to (a) the proposed floor space is less than 1000m² although very marginally so at 996m². With respect to (b) this is a less straight forward assessment and a degree of judgement is required as to whether there is 'significant impact' on the openness of the Green Belt. In the light of the assessment on

openness above and the relatively small scale of the development it is however concluded that the development would not meet that threshold and it is not proposed to refer the application to the Secretary of State should the Panel resolve to approve the application.

Development in the Green Belt and very special circumstances

- 10.6 The site is within the designated Green Belt in the Unitary Development Plan review. Policy N33 of the UDPR states that except in very special circumstances approval will only be given for a specific limited range of buildings such as for agriculture and essential facilities for outdoor sport. This is in line with National planning policy on the Green Belts set out in the NPPF which has not changed Government policy in respect of the current proposal.

Economic circumstances

- 10.7 The applicant's principal argument for allowing the development is that the sale of the site for development would produce a capital receipt which would provide valuable investment capital for the business. This is set out in more detail in the confidential reports which have been circulated to Panel Members but which do not form part of the public agenda papers. The essential element of this case is that the core business of the company – the manufacture of specialist insulation paper for use in electrical transformers – has suffered as a result of the decision of the company's Swiss owners to transfer a large proportion of this production in 2011 to facilities in the USA to reduce shipping costs. The applicant intends to replace this lost production by developing new business and new products, and the capital receipt would provide financial support for this. The applicant also states that there is significant interest from local businesses in relocating to the proposed new units.

Re-provision of the sports pitch

- 10.8 Historically the playing pitch adjoining the application site (which is owned by the applicant) was used as a cricket pitch by employees of the company and then by a local cricket club. This use was ceased by the company some years ago and the adjoining sports and social club building was demolished in 2008. The applicant has submitted a letter from Pool AFC in support of the application, thanking the company for the programme of works to the pitch including renovation of changing rooms and toilets, pitch preparation and provision of car parking. A signed copy of a lease has also been submitted between Weidman Whiteley Ltd and Pool AFC which grants the club permission to use the sports pitch. This is subject to a number of provisos one of which allows either the applicant or the club to terminate the lease after 3 years from 30 September 2013. The applicant has subsequently stated that they would be willing to allow use of the pitch for a period of 15 years and this is included in a unilateral agreement under Section 106 which has been recently submitted.

11.0 CONCLUSION

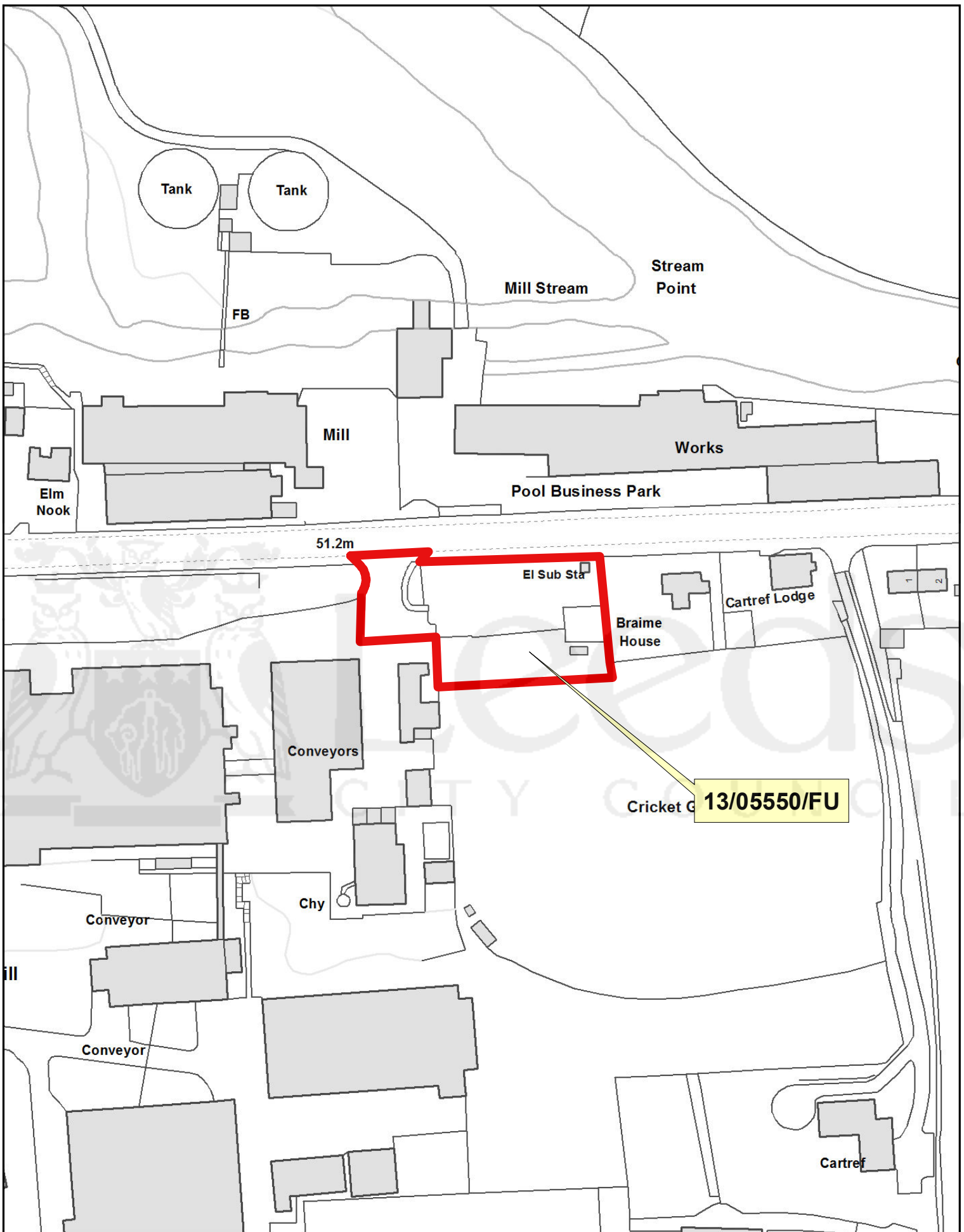
- 11.1 As the proposal is for inappropriate development in the Green Belt and there is some loss of openness the Plans Panel is advised that the principal matter to consider is the question of whether 'very special circumstances' have been demonstrated to outweigh the harm due to the loss of openness and the substantial harm as a result of inappropriateness. Weight should be attached to the economic benefits which may arise from the development and the potential for job creation. The Panel, is advised however that there are no practical guarantees that the injection of funds from the development would result in the long term continuance of

the company on this site. Some weight can also be attached to the provision of the sports pitch for community use for 15 years. On balance in the light of the economic benefits of the scheme and the community sports pitch provision it is concluded that the very special circumstances necessary to overcome the harm to the Green Belt from inappropriateness and loss of openness can be demonstrated and approval is recommended.

Background Papers:

Certificate of ownership: signed by applicant.

Planning application file.



SOUTH AND WEST PLANS PANEL

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