

Report of the Chief Planning Officer

SOUTH WEST PLANS PANEL

Date: 6th NOVEMBER 2014

Subject : Application number 14/01004/FU – Change of use of former industrial unit to form storage and maintenance of vehicles and plant, offices and associated parking and access at 23 Bradford Road Gildersome Morley

APPLICANT

JW Crowther and Son
- Mr Paul Crowther

DATE VALID

19th February 2014

TARGET DATE

21st may 2014 – extension
agreed to 10th
October 2014 .
Further extension
requested.

Electoral Wards Affected:

Morley North

☐ Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION:

The following reason for refusal is presented for members consideration

1.0 SUMMARY

1.1 This application was presented to Plans Panel South and West on 2nd October 2014 with a recommendation for approval. Members carried out a site visit on the morning of Panel. Members resolved not to accept the officer recommendation and that the application should be refused. Members concluded that the proposal would have a detrimental impact upon the residential amenities of neighbouring residents.

1.2 The following detailed reason for refusal is put forward:-

“The proposed use will generate vehicle movements associated with the comings and goings of Heavy Goods vehicles in close proximity to existing residential dwellings. It is considered that such movements and the level of activity, noise and general disturbance would be detrimental to the general amenity of nearby

residential occupants. As such the proposal would be contrary to guidance contained within the National Planning Policy Framework (2012) and to Policy GP5 of the Development Plan (Review) 2006 “

- 1.3 A copy of the previous report is attached for Members information.

Report of the Chief Planning Officer

ADDENDUM

SOUTH WEST PLANS PANEL

Date: 2ND OCTOBER 2014

APPLICANT

**JW Crowther and Son
- Mr Paul Crowther**

DATE VALID

19th February 2014

TARGET DATE

**21st may 2014 – extension
agreed to 3rd
October 2014**

Electoral Wards Affected:

Morley North

☐ Yes

Ward Members consulted

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION:

Grant permission subject to the conditions below

Conditions

1. Time limit on permission
2. Compliance with approved plans
3. Specified hours of operation 07.00hrs to 19.00hrs not Sundays and Bank Holidays
4. Maintenance and repairs to take place within building workshop only
5. Extended office hours of operation (24 hours) with 4 members of staff during specified winter months only
6. Details of proposed acoustic fence to be submitted
7. Details of acoustic fence adjacent to 23a Bradford Road to be submitted
8. Sound insulation of premises
9. Details of lighting scheme to be submitted
10. Highways –white lining scheme to be submitted
11. Provision of long stay cycle facilities
11. Details of storage and disposal of litter to be submitted
12. Submission and implementation of landscaping details

1.0 INTRODUCTION

- 1.1 The application proposes a change of use of former industrial unit to form storage and maintenance of vehicles and plant, offices and associated parking and access at 23 Bradford Road Gildersome, Morley
- 1.2 The application is presented to South West Plans Panel at the request of local ward Member Councillor Finnigan raising concerns regarding the greenbelt, highways, noise and impact on residential amenities

2.0 PROPOSAL

- 2.1 The application proposes the change of use of former industrial unit to form storage and maintenance of vehicles and plant. With associated offices, parking and access
- The applicant currently operates adjacent to the site from the depot behind number 11 Bradford Road (under ownership of applicant).The established business is unrestricted and has operated for a number of years
 - The proposal is to expand the business into this application site with a secondary access between number 25 (under ownership of applicant) and number 23a (Residential dwelling)
 - The use proposes to work in conjunction with the established operations on adjacent site which involve the storage of gritting/ rock salt with vehicles delivering and collecting the salt from the existing access to the front
 - Maintenance and storage of the vehicles
 - Related office use to operate from the existing building behind number 23a Bradford Road
 - Staff parking behind 25 Bradford Road
 - Acoustic fencing and gate alongwith landscaping strip

3.0 SITE AND SURROUNDINGS

- 3.1 The application site is approximately 0.72ha in size with an existing access point located between number 25 and 23a Bradford Road. The site is currently vacant, previously operating as manufacturing and sales of conservatories to the public, having associated parking and office use operating from number 25 Bradford Road. The site has a large workshop building within the middle of the site and another building located behind the garden area of number 23a Bradford Road.The immediate area is a mixture of longstanding established industrial uses and residential. Towards the west of the site adjacent to the boundary are residential dwellings, with the garden area of number 261 immediately adjacent to the site. To the east is an established Industrial use. Adjacent to the access way is a residential dwelling namely 23a Bradford Road. Towards the rear of the site is the designated green belt. Bradford Road itself is a wide carriageway which comes to a closure at its junction with the main roundabout, with residential dwellings located on the opposite side of the site.

4.0 RELEVANT PLANNING HISTORY

- 4.1 23/313/03/FU Change of use of vehicle repair workshop to manufacture sales and new Showsite for upvc windows, doors and conservatories
Approved 24th July 2003

5.0 HISTORY OF NEGOTIATIONS

- 5.1 The application as submitted requested 24 hour operation similar to the current operation of applicant on adjacent site. However the access is located adjacent to residential dwelling (Number 23a Bradford Road). The garden area of number 261 also sits adjacent to the vehicle maintenance building. Negotiations have resulted with the applicant agreeing to the following conditions:-
- Vehicle maintenance to take place within the building only during the hours of 0700hrs to 1900hrs
 - The hours of operation of the use to be restricted from 0700hrs to 1900hrs
 - Office hours of operation restricted from 0700hrs to 1900hrs outside of winter months
 - During winter months specified as 21st October to 21st April office hours extended to 24 hour operation for 4 members of staff (at any one time) to work in office building.
 - The implementation of an acoustic screen adjacent to 23a Bradford Road to be submitted and agreed

6.0 PUBLIC/LOCAL RESPONSE

- 6.1 Immediate neighbours notified individually by letter printed on 25th February 2014
Application advertised by site notice posted on site 7th March 2014

The following local representations have been received:-

- 25 individual households
- Gildersome Parish Councillor

The comments received are summarised as follows:-

- Area is more residential than industrial
- Industrial area should not be located within a residential area
- Noise and disturbance by Industrial vans going up and down
- Need to expand onto an Industrial site
- Dirt and odour emanated into environment
- Existing problems from HGVs speeding along Bradford Road ,causing highway safety Issues , this will just exacerbate the current situation
- Level of noise and disturbance to residents
- Concerns around extended hours of operation
- Further extension of Industrial use onto this site will have negative impact on surrounding residential area
- More vehicles travelling from one site to the other, increase in highway traffic, causing a nuisance and additional noise and disturbance
- Previous hours of use restricted to daytime
- Do not agree with Environmental Health hours of recommended use
- Letters from agent provides inaccurate information on previous industrial uses
- Material intensification of use
- Must be expanding operations as there would not be the need to double the site
- Height of acoustic fence is not acceptable
- Operational activity will increase
- HGVs will be passing next to bedroom and room accommodation (number 23a Bradford Road)

Gildersome Parish Councillor comments summarised:-

- Noise and traffic will be generated
- Transport Assessment says little change , do not agree with this , there will be an increase in vehicular movements
- Further expansion at the expense of Local Community
- Need to strike a balance between residential and industrial needs

7.0 CONSULTATION RESPONSES

7.1 Highways

The previous use of the site would have generated significant traffic in its own right. The proposal will effectively remove all of these potential traffic movements. However given the provision of relocated staff car park, any staff related traffic generation would transfer from the adjacent access to use this site access. It is also acknowledged that staff numbers and traffic movements are to remain as existing. On this basis it is accepted that the proposals will not result in a material increase in traffic. Highways have no objections subject to conditions as the proposal will not result in an increase in traffic and would therefore not create any traffic impact or highway safety concerns. The proposals are therefore acceptable in highway terms.

Environmental Protection Team

7.2 Following comments summarised :-

- Proposed will generate noise levels by the nature of the operation , potential for any loss would be increased if these operations were carried out during night time hours (23.00hrs to 0.700hrs)
- Potential for noise and disturbance from access road to numbers 23a Bradford Road and 261 Bradford Road. Will increase during night time hours (as above)
- Noise report submitted by applicant does not fully address all the noise potential issues, ie noise from access road
- Although Environmental Protection Team have not recently received complaints, historically complaints relating to noise from vehicles and on site activities at 11 Bradford Road have been received. An assessment under BS8233:1999 indicated that noise levels within the bedrooms of nearby sensitive premises would be above guideline levels. The report recommends mitigation measures in the form of an acoustic fence 4.5m high acoustic barrier of solid construction with no holes or gaps. The report suggests that this would prevent noise impact from operations on the site any time of night or day.
- Barrier will only provide mitigation from sources on the opposite side of the barrier from the sensitive premises and not noise associated with vehicles entering or leaving the site at the proposed access adjacent sensitive premises or associated use of the office. The gate in acoustic barrier when opened will reduce its effectiveness
- Noise assessment represents day time noise levels (0700hrs to 2300hrs) noise monitoring results indicate that background noise levels can drop in the early hours. As background noise levels drop the noise from activities is heightened during the night creating a greater potential for night time noise disturbance.
- Recommend conditions around hours of delivery from 0800hrs to 1800hrs, Monday to Friday , 08.00hrs to 13.00hrs Saturdays with no demolition and construction activities on Sundays and Bank Holidays

- Hours of operation restricted to 06.30hrs to 22.30hrs Monday to Saturday with no operations on Sundays and Bank holidays
- Repair and maintenance of vehicles plant and machinery not to take place anywhere on site except within the vehicle repair and maintenance workshop
- Sound Insulation scheme to be submitted designed to protect the amenity of nearby residential occupants

8.0 PLANNING POLICIES: Development Plan

8.1 The development plan includes the adopted Leeds Unitary Development Plan (Review 2006) (UDP) along with relevant supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy still being at the draft stage.

8.2 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. The Inspector's Reports into the Core Strategy and the Cil examinations have now been received and reports on these were considered by Executive Board on 17th September 2014 with a view to the Core Strategy being referred to full Council for formal adoption. As the Inspector has considered the plan, subject to the inclusion of the agreed modifications, to be legally compliant and sound, the policies in the modified Core Strategy can now be afforded substantial weight. Once the Core Strategy has been adopted it will form part of the Development Plan

8.3 Leeds Unitary Development Plan (UDP) Review:

GP5: General planning considerations.

GP11: Sustainable development.

N12/N13: Urban design principles.

23/N25: Landscape design and boundary treatment.

N38 (a and b): Prevention of flooding and Flood Risk Assessments.

N39a: Sustainable drainage.

BD5: Design considerations for new build.

T2 (b, c, d): Accessibility issues.

T5: Consideration of pedestrian and cyclists needs.

T24: Parking guidelines.

LD1: Landscape schemes.

8.4 Supplementary Planning Guidance / Documents:

Neighbourhoods for Living – A Guide for Residential Design in Leeds

Street Design Guide

SPD- Street Design Guide

National Guidance

8.5 National Planning Policy Framework: Paragraphs 18 to 20 Paragraphs 18 to 20 advises on building a strong, competitive economy by securing economic growth in order to create jobs and prosperity.

9.0 MAIN ISSUES

- 9.1 Principle of Development
-Economic Growth
Highways Issues
Residential Impact
Representations received

Principle of Development

- 9.1 The application site previously operated as manufacturing and sales of windows and conservatories with offices. The proposed use of storage and maintenance of vehicles and plant with associated office use and parking is classified as the same Industrial Use. Therefore the principle of the development has already been established.

9.2 Economic Growth

The following paragraphs of the NPPF are relevant:

Paragraph 18

"The government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future"

Paragraph 19

"The government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable economic growth. Therefore significant weight should be placed on the need to support economic growth through the planning system."

Paragraph 20

"To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century"

The proposal provides an existing established business to extend onto a neighbouring industrial site, which is currently vacant. The business is bringing a currently vacant site into use. This all contributes towards the economic growth in accordance with the advice given in the NPPF and is a consideration which is given significant weight in this decision.

9.3 Highway Issues

The proposal involves the storage, repair and maintenance of vehicles. A turning area is provided within the site with a parking area. Staff parking is to be located behind the existing office building at number 25, (number 25 is not within the red line boundary but under the ownership of applicant). In considering the highway impact the previous use of the site would have generated significant traffic in its own right. The proposal will effectively remove all of these potential traffic movements. Given the provision of the relocated staff car park, any staff related traffic generation would transfer from the adjacent access to the site access. The staff numbers and traffic movements are to remain as existing. It is therefore accepted, that the proposal will not result in a material increase in traffic, and would therefore not create any traffic impact or highway concerns.

9.4 Residential Impact

The application site has an established Industrial Use by reason of the previous authorised manufacturing operations. The applicant currently operates from the

adjacent site with no restrictions to the established use. The proposal is for part of the business to operate from this site. The operations include vehicle maintenance and storage with associated office and parking. The western site boundary is adjacent to number 261 Bradford Road which is a dwelling. Vehicle and staff parking are proposed adjacent to the garden boundary. An acoustic screen of 4.5m in height and a landscaping strip is proposed to reduce the impact of the noise generated. Number 23a is located adjacent to the access way to the east and has a bedroom window on this side elevation. The previous use operated during daytime hours only. The applicant has requested 24 hour operation from the site. It is considered a 24 hour operation will have a detrimental impact on the neighbouring dwellings. Environmental Health have assessed the noise report submitted and conclude that the hours of operation should be restricted, and recommend 06.30hrs to 23.30hrs Monday to Saturday. On balance taking into consideration the proximity of the dwellings, it is considered that the hours of operation are restricted to 07.00hrs to 19.00hrs Monday to Saturday with no operations on Sundays and Bank Holidays. Details of the proposed acoustic fence and the introduction of an acoustic fence between number 23a and the access way are to be submitted and agreed. Further conditions recommended is that vehicle maintenance and repair are to take place within the buildings only during the specified operating hours. The applicant has requested 24 hour operation of the office staff during the winter months. An office use will generate a lower level of activity. On balance a restriction to 4 members of staff (at any one time) during the winter period of 21st October to 21st April is acceptable and to be addressed by condition.

9.5 Representations received

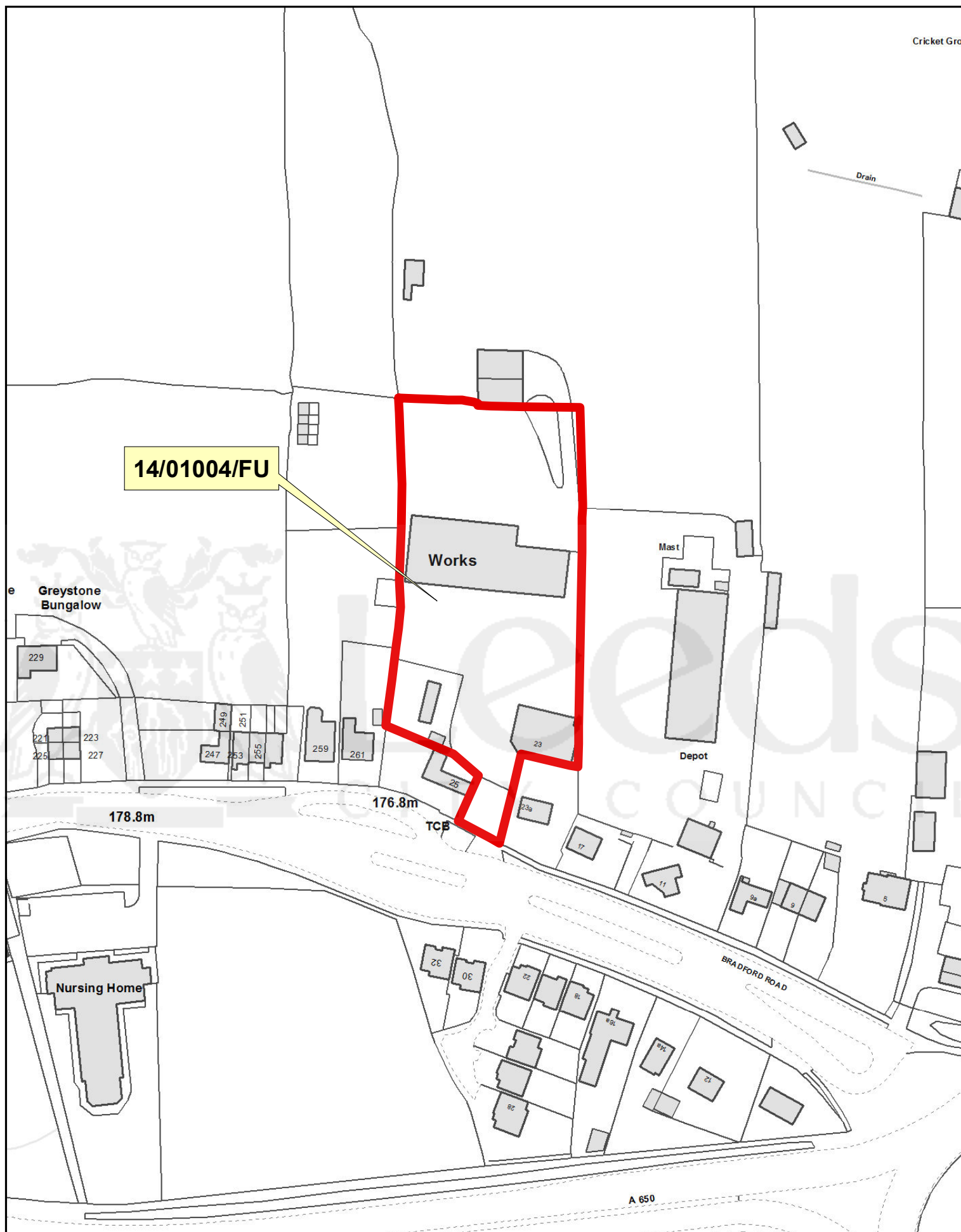
The representations received raise concerns in relation to the impact on residents and the noise and disturbance caused by the current operations on the neighbouring established Industrial site. The concerns raised around impact on residential amenities are addressed in paragraph 10.4 above. The highway concerns raised are addressed in paragraph 10.3 above.

10.0 CONCLUSION

The application on balance is considered acceptable subject to the conditions recommended. As the principle of the development has already been established by the previous use, the conditions protect the residential amenities of neighbouring residents. Therefore the officer recommendation is for Approval.

Background papers

Application File



SOUTH AND WEST PLANS PANEL

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PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

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