



Leeds
CITY COUNCIL

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Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 19th February 2015

Subject: APPLICATION NUMBER 14/06039/FU

Side extensions to existing factory, rear courtyard canopy and new sugar silo to rear, new HGV service / parking yard to rear, and new staff car park to front.

Britvic, Swinnow Industrial Estate, Swinnow Lane, Swinnow, Leeds, LS13 4HT.

APPLICANT

Britvic Soft Drinks

DATE VALID

4th November 2014

TARGET DATE

1st March 2015

Electoral Wards Affected:

Calverley and Farsley

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 following conditions:

- 1. 3 year time limit;**
- 2. In accordance with the approved plans;**
- 3. Area used by vehicles laid out, surfaced and drained;**
- 4. Car park to be completed prior to occupation of extension**
- 5. Pedestrian access from staff car park to be marked prior to occupation of extensions**
- 6. Duty for staff arriving by car to use rear staff entrance**

7. Details of cycle and motorcycle parking;
8. Car Park and Servicing Management Plan
9. All reserving beeps on HGV's to be turned when vehicles in the rear loading bay area
10. Travel Plan Measures; and monitoring fee
11. Methods to be employed to prevent mud, grit and dirt being carried onto the public highway;
12. Materials details and samples of external walling and roofing;
13. Details of surface materials;
14. Construction management plan;
15. Hours of construction to be submitted, and approved
16. Full Details of acoustic fence, to include adsorbent surfacing
17. Acoustic fence to be installed prior to construction of extensions
18. No amplified sound/ tannoy
19. Landscaping scheme to be submitted
20. Landscape maintenance and implementation;
21. Replacement planting within 5 years;
22. Conifer trees located on northern boundary to be retained to
23. minimum height of 5.5m
24. Phase two site investigation to be submitted
25. Amended Remediation Statement, if required
26. Verification Report to be submitted
27. Importing Soil must be tested for contamination
28. Local Employment Training Clause

1.0 INTRODUCTION:

- 1.1 This application is brought before Plans Panel due to the level of local representation received and the fact the proposal constitute major development which is of local significance.

2.0 PROPOSAL:

- 2.1 The proposal is for an extension to the side of the existing Britvic Factory (which is a major facility for the bottling of soft drinks) with other various alterations which include the reconfiguration of the parking, service and deliveries areas. The main proposed extension has a footprint of 70m x 80m and is 19m in height. This extension is proposed to be constructed on a brick plinth, 4m in height with the main walls being constructed from corrugated metal sheeting, to match the existing factory. This extension has a floor area of 5569 m².
- 2.2 A smaller extension is also proposed to adjoin the rear section of the side western elevation of the building. This is divided into 2 spaces, a syrup room and logistics office. This extension has a footprint of 12m x 49m, and is 8m in height to eaves level and 11.5m in height at the ridge. This extension has a

floor area of 588m². It is also proposed to in-fill an existing courtyard, which is located to the western side of the building. This has a floor area of 242 m².

- 2.3 The proposal also includes the construction of covered canopies to the rear northern elevation, to allow a covered area for the loading of HGV's. The depth of this canopy varies between 8m and 20m, projecting out from the existing rear elevation of the building. The canopy covers an area of 2131m².
- 2.4 The proposal also seeks to develop an area of land to the north-west of the existing factory into a new staff car park, with 185 parking spaces. This area of land until recently was grassed and contained a number of trees and other vegetation. This area of land is also infested with Japanese Knotweed and currently being treated to eradicate this plant, which is particularly invasive. A landscape buffer which is 8m wide, is proposed along the northern boundary of this staff parking area, running parallel with the adjacent train line, beyond which are residential properties. The existing staff parking area, which is located to the front of the building, facing onto Swinnow Industrial Estate is proposed to be redeveloped as the HGV parking, loading and service area.
- 2.5 The proposal is a 25 million pound investment at the site and includes a New High Speed Polyethylene Terephthalate Line (PET) which will produce 36,000 2 litre bottles per hour, and an increased warehouse capacity to accommodate 13,500 pallet spaces due to increased production. The proposal will lead to the requirement for 40 new posts in Engineering, Operations, and Logistics and would be one of the fastest PET lines in Europe.

3.0 SITE AND SURROUNDINGS

- 3.1 The application site consists of a major drinks factory and warehouse facility, which is owned and occupied by Britvic soft drinks. The site lies on an industrial estate, which is located off Swinnow Lane. The site lies within the Calverley and Farsley ward, on the very edge of the ward boundary, adjacent to the Bramley and Stanningley ward (which lies directly to the north of the site) across the train line. Britvic has occupied this site since 1974 and the buildings upon the site date from this time. The site has an industrial appearance and is made up of various buildings, which are largely constructed from corrugated metal sheeting, upon brick built plinths. The site is used to manufacture and distribute soft drinks. The current site employs approximately 150 people.
- 3.2 The site has extensive hard concrete standing areas to all sides. There is a large external storage area located to the east of the main building, and a separate smaller ancillary detached building (which is proposed for demolition). There are large hard standing areas to all side of the building, and it is possible for HGV's to travel around the entire site. Loading bays are located to the north and east elevations.

- 3.3 The main staff parking area is located to the front (south) of the main building, is accessed from Intercity Way. This parking area is secured by an access barrier which is manned. To the west of the site lies other purpose built, warehouse type shed buildings. Behind these buildings and to the north-west of the Brtivic site lies a vacant are of land which until recently had a green appearance and contains different forms of vegetation.
- 3.4 To the north of the site, lie residential properties located on Norwood Crescent, Gladstone Terrace, Palmerston Close, Jordan Road, and Baptist Way. These properties lie within the ward boundary of Bramley and Stanningley, the train line also acts as the ward boundary. These properties are all relativity modern, being completed in the 1990's onwards. These properties are separated from this application site by a train line, which runs parallel to the northern boundary of the application site. Part of the northern boundary of the application site is bound by a row of mature tall conifer trees.

4 Relevant Planning History:

- 4.1 There are no records of any previous planning applications for the comprehensive redevelopment of this site. Other previous applications have been for minor alterations to the existing building which and have no relevance to this application.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 The application has been amended since its submission by re-siting the location of the proposed HGV parking/ service yard from the area of land located to north-west of the existing site, to the front of the building. This has been done following Officers concerns regarding the impact of the 24 hour use of parking / service area for HGV's being sited opposite residential properties which are located across the train-line. The displaced staff car park, is now located to this rear, north-west area, and a sizable landscaping buffer (8m wide) is now proposed along this northern boundary. An acoustic fence is also now proposed to rear of the existing loading bays.

6.0 COMMUNITY INVOLVEMENT

- 6.1 The applicants conducted a consultation event, following the submission of the revised plans on 8th January 2014 at the site for local residents, elected representatives and other stakeholders. To make the event as widely accessible as possible to those with varying personal circumstances and work patterns, it was held as a drop-in style session between 2pm-8pm.
- 6.2 Invitations to the event were hand-delivered to local residential properties and also sent to ward councillors, neighbouring ward councillors, relevant council committee members and portfolio holders, and the local Member of Parliament.

- 6.3 Twenty one individuals attended the event, including local residents and elected representatives. Britvic stated this was fewer attendees than they had expected and considered this may be reflective of a change in the strength of feeling towards the proposal, since the plans have been amended, which re-sited the HGV yard away from the properties located on Norwood Crescent.
- 6.4 Britvic have stated the feedback from the exhibition was largely positive and that many people were positive about a major company investing in the area and the job creation provided by the proposals, but they were keen that this should not be considered in isolation from the impact it has on local residents. Below is the Britvic summary and conclusion of the consultation event, this is written in their words.

Several residents, in person and in written feedback, commented that they were happier with the amended proposals and were pleased that their views had been taken on board to inform the changes. As such, they commended the recent efforts to engage more proactively with residents and elected representatives, including by hosting the public exhibition itself. Several did however criticise the lack of initial engagement and the absence of information at the beginning of the project. Concern over noise and light pollution for local residents was the overriding source of anxiety, but many were pleased with the proposals to adequately 'landscape' the boundaries of the site with fencing and mature trees.

7.0 PUBLIC/LOCAL RESPONSE

- 7.1 The application was initially advertised by four site notices, which were placed on Baptist Way, Stanningley Road, Swinnow Lane and Intercity Way on 21st November 2014. An advert was also placed in the local press on 4th November. Following the Officer site visit, where the relationship of the site with the residential properties located to the north was clear, it was decided that letters of notification were required to all adjacent residential properties. 59 letters of notification were sent out to residential properties located on Gladstone Terrace, Palmerstone Close, Gladstone Court, Norwood Croft, Norwood Crescent, Jordan Road, and Bright Street.
- 7.2 21 letters of objection were received to the application. These objections were received to the original submission. All objectors were re-notified of the amendments. One further representation was received to the application following the submission of the revised plans. The points raised in these objections are highlighted below.
- The proposal will cause noise and light pollution
 - Works to prepare the site for this development have already commenced
 - Complaint over how the application was publicised
 - 24 hour use is not appropriate adjacent to houses
 - The existing use of the site already creates noise problems

- Proposal will worsen traffic on Swinnow Road which is already congested
- The green area was a habitat for many species of birds which have now disappeared
- The proposal will worsen noise and lighting issues from the site
- Impact on property prices
- Query over need for proposal, seems to be motivated by profit
- The lorry park will be visible from adjacent houses
- The proposal will disrupt peoples sleep
- The proposal will make adjacent residents ill with stress
- The plans submitted by Britvic do not show the recently constructed houses located on Palmerstone Close
- Query over why Britvic have been allowed to clear trees in advance of permission being granted
- The existing operations caused by the loading of wagons already keep adjacent residents awake
- 24 hour use is unacceptable given the proximity to residential properties
- Are they environmental laws which prevent such noise intrusion?
- The proposal will have a massive impact on the quality of life of adjacent residents
- Parked lorries will be able to see right into the houses on Norwood Crescent
- The removal of the 'green' area and worsen light and noise pollution form the site
- The proposal will mean the rear gardens of the properties situated along Norwood Crescent would be unusable
- It is good Britvic have listened to some objectors, however there is still no assurance that noise levels will be acceptable during the night

7.3 Ward Members of both the Calverley and Farsley, and Bramley and Stanningley wards have been made aware of the application by Officers.

7.4 Councillor Carter has written in supporting the revised plans. Councillor Carter states the applicants are major employer in the area, and the revisions to the layout have adequately addresses his previous concerns. He also states the applicants have entered into significant public consultation.

8 CONSULTATION RESPONSES

8.1 Statutory:

Environmental Agency

No objections subject to condition which relates to surface water drainage, to prevent the pollution of watercourses.

Yorkshire Water

Recommend conditions which relate to drainage.

Network Rail

No reply.

Highways

No objections subject to conditions. The increase in HGV's trips to the site is not significant.

West Yorkshire Combined Authority

Confirmed no comment to make.

8.2 Non-statutory:

Transport Policy

The proposed increase in staffing falls below the level of contribution would fall below the 'threshold' level comparative to this and other land uses. Therefore no public transport contribution is required.

Travelwise' (Travel Plan Officer)

Revisions to Travel plan are acceptable. Require Travel Plan monitoring fee.

Contaminated Land Officer

No objections to the proposal subject to conditions.

Environmental Health

The application is supported by a noise assessment. Mitigation measures are proposed to eliminate noise concerns. Environmental Health have raised some queries and concerns.

Mains Drainage

No objections subject to conditions.

9 PLANNING POLICIES

- 9.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan currently comprises the adopted Local Development Framework Core Strategy (2014), those policies saved from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Local Plan. Relevant supplementary planning guidance and documents and any guidance contained in the emerging Local Development Framework (LDF) represent material considerations.
- 9.2 The Local Development Framework Core Strategy was adopted by the Council on 12th November 2014. The following policies contained within the Core Strategy are considered to be of relevance to this development proposal

9.3 Core Strategy Policies

SP8	Economic Development Priorities
SP9	Provision for Office, Industrial and Warehouse, Employment Land and Premises
EC1	General Employment Land
EC3	Safeguarding Existing Employment Land and Industrial Areas
E3B(16)	Swinnow Industrial Estate
GP5	Detailed Planning Considerations
N25	Development and Site Boundaries
T2	Transport Provision for Development
T7A	Cycle Parking Guidelines
T7B	Motor Cycle Parking Guidelines
T24	Parking Provision for New Development
S2	Vitality and Viability of Town Centres
BD4	Plant Equipment and Service Areas
BD5	Amenity and New Buildings
BD6	Alterations and Extensions
LD1	Landscaping Schemes

9.4 Leeds Local Development Framework (emerging) Development Plan Document - Statement of Community Involvement (2007)

9.5 Supplementary Planning Advice

- Travel Plans (2011) – Supplementary Planning Document (draft)
- Public Transport Improvements and Developer Contributions (2008)
- Supplementary Planning Document
- Building for Tomorrow Today, Sustainable Design and Construction (2010) - Supplementary Planning Document
- Sustainable Urban Drainage in Leeds (2004) - Supplementary Planning Guidance

9.6 National Planning Policy Advice

National Planning Policy Framework

- | | |
|---------|--------------------------------------------------------------------------------------------------------------|
| Para 18 | Commitment to securing economic growth |
| Para 19 | Significant weight should be placed on need to support economic growth through the planning system |
| Para 20 | Recognize and seek to address potential barriers to investment |
| Para 21 | Support existing business sectors, being able to allow a rapid response to changes in economic circumstances |

Ministerial Statement: Planning for Growth (March 2011)

10 **MAIN ISSUES**

- Principle of Development
- Amenity Considerations
- Design/ Visual Impact
- Trees and Landscaping

- Highways
- Other Issues
- Conclusion

Principle of the Development

- 10.1 The proposal is concerned with extending an existing B2 use. The proposal seeks to extend the footprint of the buildings by approximately 33%. The proposal represents a significant expansion of the site. The applicants have stated the proposal would create approximately 40 new jobs, which represents an investment of approximately 25 million pounds.
- 10.2 On a national level, it is considered the proposal follows the policy guidance of paragraphs 18 and 21 of the NPPF, which support economic growth through the planning system, and the expansion of existing businesses. These policies state a flexible approach is encouraged, where it is advised that new investment should not be over burdened by planning policy expectations.
- 10.3 On a local level Policy SP8 of the Core Strategy supports a competitive local economy by promoting the development of a strong local economy through enterprise and innovation. Job retention and creation is also promoted through this policy. Policy SP9 recognizes the need to have available land for the general employment development, across the district for various 'B' uses. Policy EC1 supports employment proposal within existing industrial areas. In land use terms, the site is identified as being located on Industrial Estate, through policy E3B(16) of the saved UDP policies. This recognizes the site has been suitable for industry and employment.
- 10.4 The principle of the application is considered to follow the policy guidance of both national and local planning policy, and therefore is considered to be acceptable, subject to an assessment against normal development control considerations. One of the main issues of this application is the impact on adjacent residential occupiers who live to the north of the site. This issue is assessed below.

Amenity Issues

- 10.5 To the north of the site, across the train line, lie numerous residential properties located on Norwood Crescent, Gladstone Terrace, Baptist Way, Palmerstone Close and Jordan Road. The existing use of the site operates 24 hours, and the proposal seeks to intensify this use. All of these adjacent properties are relatively modern, being constructed from the early 1990's, and do appear to have been constructed after the Britvic factory, which dates from 1974. Palmerstone Close is the most recent adjacent residential development only being completed in 2014.
- 10.6 The initial proposal, included developing a new HGV yard/ parking area to the north-west of the existing site, upon a vacant piece of green land. This area of land lies directly behind the properties located on Norwood Crescent, being separated by the railway line. Officers considered this relationship was unacceptable, as the 24 hour of this land as a large HGV loading/ parking

area would have potentially had a significant detrimental impact on the adjacent occupiers along Norwood Crescent.

- 10.7 The applicants have sought to overcome this concern by revising the scheme, by siting the HGV yard and parking area to the front of the premises, facing onto Swinnow Industrial Estate and developing this area of land to the north-west of the site as a staff parking area. An 8m wide landscaping buffer is also proposed along the northern boundary of this staff car park, to the adjacent train line.
- 10.8 It is not considered the use of this land to the north-west of the existing site as a staff car park would have an adverse impact on the occupiers of Norwood Crescent. The applicants have stated the Production, Maintenance and Office Staff are on 12 hour shifts with change over movements at 06:00 and 18:00 hours. The Logistics staff works slightly different patterns with six members of staff changing shifts at 14:00 and 22:00. Therefore there would only activity in the car park in terms of car movements at 06:00 hours and 22:00 hours during night hours.
- 10.9 The use as a staff car park is not considered to be particularly noisy or intrusive as the proposed 8m landscape buffer would absorb much of the visual, noise and light pollution caused by the proposed staff park. At the nearest point, this parking area is located 22m from the boundaries of the rear gardens of Norwood Crescent, and approximately 40m from the rear elevations of the actual dwellings. This distance is considered adequate to protect the amenity of these occupiers from a staff car park.
- 10.10 A number of objections have been received to the fact the proposed seeks to operate 24 hours a day. The site currently operates 24 hours a day. There are no current planning restrictions on hours and levels of activity or type of activity on the site, and it would be unreasonable to restrict the hours of operation through this application for an extension. The rear northern elevation of the building currently contains a number of loading bays for HGV's, it is proposed to construct a canopy over these loading bays and create further new bays. The land to the rear of the building is currently used as a loading and storage area and this remains unchanged through the application, although it is likely the use of this loading area will intensify.
- 10.11 Environmental Health Officers have raised concerned regarding the use of the rear curtilage area for loading etc, and suggested that this activity is contained within a new extension. Given this use is currently unrestricted and existing it is considered unreasonable to expect the application to build such a structure which would cover the entire rear curtilage area, and be approximately 120m in length and varying in depth from 30m to 80m, as this would be of considerable expense to the applicants. It is however considered to be entirely reasonable to impose a condition which places a duty for the reserving 'bleep' on HGV's to be turned off, when they are in the loading area to the rear of the building.

- 10.12 The applicants have conducted a noise assessment in support of the application. This assessment recorded noise at the site and has recommended that a 5.5m high acoustic fence is constructed along the rear northern boundary of the site, behind the enlarged building, and parallel to the existing row of conifer trees. This proposed acoustic fence is 265m in length, full details of which are conditioned on approval. It is considered the construction of this acoustic fence is a benefit of the scheme and would aid to eliminate existing noise issues at the site.
- 10.13 It is also considered that the proposed 5.5m high acoustic fencing will help contain pollution from light, over spilling onto the properties beyond which are located north of the site, to a greater degree than the existing situation. This is considered to be a benefit of the scheme.
- 10.14 The proposed new extension lies opposite other industrial buildings located on Pilgrim Way. It is not considered the construction of this extension alone would create any amenity issues for adjacent occupiers. All of the proposed activities are contained within this building. The level of noise and activity to the front of the building, where the new HGV yard is proposed will increase, however it is not considered this create any amenity issues due to the fact it is located within an industrial estate, oriented away from residential properties.

Design / Visual Impact

- 10.15 The proposed extensions are of a functional appearance which is typical of a factory and manufacturing centre. The proposed extensions match the host property in terms of materials and appearance. The proposal is to be constructed by metal sheeting upon a brick plinth base. The main extension, which is located to the eastern side of the host property, has a shallow pitch roof which has a twin gable design. The design and appearance is considered to be acceptable, given the setting of the site, within an industrial site which accommodates similar styled 'shed' type buildings with shallow pitch roofs
- 10.16 The proposed main extension has a maximum height of 19m, adjoining a building which is at present a maximum of 14m in height. This extension is located opposite two industrial buildings located on Pilgrim Way, and a block of residential flats located at 1-19 Jordan Road. This residential block is located between 30 and 35m away from the northern side of the proposed extension. The site is screened from these flats by both conifer trees which are between 6 and 7m in height and other taller deciduous trees. The Britvic site pre-dates these flats, and it appears these flats have been designed to avoid windows serving main rooms facing onto the Britvic site.
- 10.17 The proposed extension will be visible from the occupiers of these flats, however it is not considered the visual dominance of this extension, when viewed from within the flats at 1-19 Jordan Road would warrant grounds to refuse the application. The site lies in a designated industrial estate, and the distance of 30-35m to the proposed extension, along with the existing

landscaping, would minimise its visual impact. A condition is proposed which places a duty on the applicants to retain the conifer trees.

Tree and Landscaping

- 10.18 An area of land which lies to the north-west of the existing factory buildings, which was vacant but had a 'green' appearance containing a number of trees and other vegetation has been cleared in advance of this development. None of the trees upon this land were protected, and this area of land could be cleared, regardless of this application. A large volume of the objections received is directed at this issue. This area of land contains Japanese Knotweed, and the land is currently being treated for this invasive plant. It is therefore considered that this area of land required clearing works, regardless of the applicants intention to develop the land, due to the presence of Japanese Knotweed.
- 10.19 The revised plans include an 8m wide landscape buffer, adjacent and parallel to the train line, separating the proposed staff car park from the northern boundary of the site. A condition will be imposed on the approval of the application for full landscaping details of this area, to ensure the proposed planting is suitable for this environment and function, which is for a visual buffer to the residential properties beyond.
- 10.20 A row of conifer trees lie along the northern boundary of the site, behind the existing building and loading bays. These act a visual screen to the residential properties located on Jordan Road, which lie directly opposite this loading area. The proposed acoustic fence is located along this part of the northern boundary. A condition will be imposed to ensure these trees are retained, as they are considered to provide a very important screening function, and their removal would have an adverse impact on the outlook of the properties located on Jordan Road.

Highways

- 10.21 The submitted Transport Assessment states existing HGV movements total 52 to 76 trips per day Monday to Friday, 17 trips are recorded for Saturdays and Sundays. The proposed extensions would increase trips to 130 to 146 one way movements Monday to Thursday with a fall in traffic on Fridays to 95, with 30 to 34 trips on Saturdays and Sundays. The bottling process governs loading and HGV flows, the extensions would therefore increase maximum throughput from 3-5 HGVs per hour to 7-9 HGVs per hour. Highways Officers have stated that considering the number of HGV movements would increase by a maximum 4 HGVs in one hour, the proposed expansion would not result in detriment to the capacity of the local highway network.
- 10.22 Staff parking provision has been increased from 145 spaces to 185 spaces which should ensure parking is contained within the site. Highways Officers have raised no concern to the level of parking proposed. The application is also supported by a Travel Plan which is considered to be acceptable.

10.23 Highways raised a concern regarding the fact the staff parking is increasingly remote from the main entrance to the building, and that staff may be tempted to park along Intercity Way, as it is located nearer to the main entrance. A further plan has been submitted which show a marked pedestrian route into the building and a new staff entrance located in the western extension, which is a logistics office. This would eliminate the need for staff to walk around the building to access through the existing main entrance. A condition is proposed which places a duty for staff arriving by car to use the rear staff entrance, to discourage parking along the adjacent highway and using other entrances into the building. Subject to conditions, it is considered that the site follows the policy guidance of T2.

Other Issues

10.24 As raised by an objector, the impact on property prices is not a material planning consideration.

10.25 The applicants have agreed to enter into discussions with the Council's Employment and Skills Service who will work with Britvic to promote and secure positions for local residents. A duty to do this will be controlled through a planning condition.

11.0 CONCLUSION

11.1 The proposal represents a significant investment into the site from the applicants, which will have clear economic benefits, and job creation. The economic benefits of the scheme are considered to outweigh concerns which relate to amenity concerns which could arise from the intensification of the site. It is considered that Officers concerns relating to the impact of the proposal on the residential occupiers who live to the north of the site have been sufficiently addressed through the revised plans which relocated the HGV yard to the front of the premises, and the mitigation measures proposed and additional landscaping. On balance, the benefits of the application are considered to outweigh any impacts, and the application is recommended for approval, subject to conditions.

Background Papers:

File Planning Application 14/06039/FU