

KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY

STRATEGIC PLANNING COMMITTEE

27 JANUARY 2021

Planning Application 2019/91467

Item 8 – Page 13

Erection of 67 dwellings with associated access and parking

Land south of, Granny Lane, Mirfield

Revised recommendation

The report to Strategic Committee in December 2019 in relation to this application advised that the proposed dwellings would meet the minimum unit size figures set out in the Government's nationally Described Space Standards (March 2015, updated 2016) (NDSS).

Whilst the NDSS are not adopted planning policy in Kirklees, they do provide useful guidance, which applicants are encouraged to meet and exceed. However, following a re-assessment of the scheme against these standards, it has subsequently emerged that the previously reported compliance was not correct and not all of the house types meet the NDSS.

For that reason, it is recommended that this application be deferred from this Committee. This will allow the applicant the opportunity to re-consider the development with specific regard to NDSS. Any material changes to the plans would also be likely to require further public consultation.

Planning Application 2019/92787

Item 9 – Page 77

Erection of 260 dwellings with open space, landscaping and associated infrastructure

Land at Owl Lane, Chidswell, Dewsbury

Revised recommendation

With 260 units now proposed, and in light of further information provided by the applicant, Section 106 contributions have been recalculated. The list of recommended planning obligations is therefore revised to include:

- 1) Affordable housing – 52 affordable housing units (73% (38 units) Discounted Market Sale, 27% (14 units) affordable rent) to be provided in perpetuity.
- 2) Open space – Off-site contribution of £310,105 to address shortfalls in specific open space typologies.

3) Education – Contribution of £1,004,496.

7) Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, of infrastructure (including surface water drainage until formally adopted by the statutory undertaker) and of watercourse along southern boundary.

Four conditions listed in the most recent comments of the Lead Local Flood Authority (relating to separate systems of drainage, surface water discharge, overland flow routing, and construction-phase drainage) are also recommended.

Further consultee responses

Lead Local Flood Authority – Application can be considered for approval subject to conditions.

The site discharge shall be limited to 22l/s to the southern watercourse. Watercourse is considered fit for purpose. There is a pipe obstruction across the cross section of the watercourse, and a condition that would allow the LLFA to require an upgraded trash screen (if needed) is recommended.

A full blockage scenario of a trash screen/culvert has been analysed. An assessment of the weir point where water would naturally spill out of the site has been provided, and demonstrates that levels would not reach property or curtilage in this total blockage scenario.

A demonstration that an attenuation tank of adequate size to prevent flooding within parameters set by the NPPF has been completed. In order to accommodate this, cover levels of the area where that tank is to be installed have to be raised.

Applicant has largely demonstrated that the proposed highway layout can support safe flood routing to the southern boundary that avoids property curtilage, however where private roads are used or flows are in and around traffic calming measures, a cross section of the area the road/drives at a suitable lower level than property and curtilage will be required to ensure a safe conveyance route is achieved. This detail can be conditioned.

Council should not apply the condition recommended by Yorkshire Water regarding surface water discharge that excluded public sewer. It is not for Yorkshire Water to impose this sanction before all other possibilities have been suitably investigated.

A Section 106 obligation is required to ensure the maintenance and management of sustainable surface water drainage system for the lifetime of the site. A management company is recommended to be set up to ensure this happens. It is envisaged that such an undertaking can cease upon adoption of the sewerage by Yorkshire Water. A management company should be set up to maintain the watercourse running along the site boundary so as best ensure its upkeep and prevent obstacles and flooding. Risk would therefore be spread across the site with all homeowners contributing to this service rather than relying on the concept of riparian ownership.

KC Conservation and Design – Gawthorpe Water Tower is located on the high ground above the sloping site of the proposed residential development and is viewed from distance across the arable landscape. It is considered by Historic England to be an important physical reminder of the advancements in health and sanitation in the early 20th century, and a manifestation of progress in public water supply provision.

The water tower would be detached from the proposed housing development by the adjacent field but would remain visible as a prominent landmark from the enclosing roads across the roofscape of the proposed residential development from Owl Lane and Windsor Road. The proposed development's layout includes a linear open space, running south-east from Windsor Road which would also retain direct views of the water tower through the proposed residential area and from its spinal access road.

The sloping topography, as well as the location and scale of the proposed units would ensure that the extension of the residential area towards the water tower would not diminish the architectural or historic interest of the newly designated structure as a heritage asset. The experience of the water tower would be changed by the transformation of the arable landscape to the northwest of the structure, but the appreciation of its distinctive design and prominence as a landscape feature would be retained.

Consequently, the proposed development is considered to cause no demonstrable harm to the newly-designated heritage and thus accords with the intent of the Local Plan policies and the NPPF.

KC Education – £1,004,496 primary and secondary school education contribution required.

KC Landscape – Contribution of £310,105 required. Dewsbury East ward is deficient in natural and semi-natural green space, and allotments. 260 dwellings require a Local Area for Play (LAP), a Local Equipped Area for Play (LEAP), and a contribution towards a Multi-Use Games Area (MUGA). Proposed LAP and LEAP in central open spaces would be well located and well overlooked, with good access and natural surveillance. Details of design of these spaces required.

detailed design of these spaces demonstrating how it makes provision for a multifunctional, intergenerational and accessible playable space and promotes children's independence in their own neighbourhood by ensuring that this informal play opportunity (being close to home) is linked with safe networks of footpaths whilst also giving access to play opportunities further away (like Smallwood Rd and Shaw Cross across the main road). No objection on landscape grounds, subject to early submission of landscaping details and green space matters being addressed. Section 106 agreement needed, to secure details of management of open spaces. Conditions recommended regarding landscaping, open space, planting and a Landscape and Ecological Management Plan.

KC Strategic Housing – 52 affordable dwellings required. The revised affordable proposals include provision of 14x 1-bed apartments, 26x 2-bed houses and 12x 3-bed houses. The increased number of 2-bed units and contribution of 3-bed homes is welcomed, given the significant need for a range of house types identified in the Strategic Housing Market Assessment.

Having further distributed/pepper-potted the affordable units, the revised layout is acceptable.

Proposed mix of 73% (38 units) Discounted Market Sale and 27% (14 units) for affordable rent is acceptable. The Dewsbury and Mirfield Market Area has a low rate of home ownership (just under 65%) and the provision of DMS units would contribute to meeting need, especially for first time buyers. DMS unit prices must reflect local incomes and affordability. KC Strategic Housing encourages early discussions with the Council's Affordable Housing Officer regarding both this and qualifying buyer criteria.

Affordable housing unit size/tenure mix

On 19/01/2021 the applicant confirmed the tenure/unit size mix of the proposed development's affordable housing element, as follows:

- Overall – 73% (38 units) discount market sale and 27% (14 units) affordable rent.
- Affordable Rent – 14x 1-bedroom apartments.
- Discount Market Sale – 26x 2-bedroom houses, 12x 3-bedroom houses.

Commentary on a very similar overall affordable tenure mix (split 75% Discount Market Sale / 25% affordable rent) is provided at paragraph 10.73 of the committee report.

All 14 of the development's 1-bedroom apartments would be for affordable rent. These would be located in two buildings on Chidswell Lane. No affordable rent houses are proposed. There is therefore a risk that the proposed development's affordable rent element could be easily distinguishable from the proposed Discount Market Sale and private units. The applicant has, however, argued that those 14 apartments would be *visually* indistinguishable from the rest of the development, as they would be built of the same materials and have been designed to resemble short terraces of houses. This is accepted to an extent (of note, the apartments would in some ways resemble Tyneside flats), however the communal open spaces and refuse stores may make the nature of the accommodation more obvious. Officers also note that five apartments are proposed in the development's private element, albeit in a different unit type (Alverton flats-over-garages). The applicant has advised that a better unit size/tenure mix is not possible for viability reasons (although no supporting viability evidence has been submitted by the applicant).

The unit size/tenure mix of the proposed affordable element is a shortcoming of the proposed development (inasmuch as it is relevant to the requirement – set out at paragraph 8.40 and policy LP11 of the Local Plan – that affordable homes should be designed to be indistinguishable from market housing), however in light of the latest comments of KC Strategic Housing (in which no

objection to the unit size/tenure mix was raised), and again having regard to the headline 20% affordable housing figure and the significant Section 106 obligations required, the proposed unit size/tenure mix of the proposed affordable element is considered acceptable.

Unit types

The references to a “Kenley” house type in the tables following paragraph 10.65 of the committee report should read “Kewdale”. The sizes and numbers of those units are correctly detailed in the tables.

Flood risk and drainage

The Lead Local Flood Authority (LLFA) no longer object to the proposed development. Subject to conditions, the submitted Drainage Exceedance / Flood Routing Plan (ref: CHD_FE_01, and referred to at paragraph 10.112 of the committee report) has addressed the last concerns of the LLFA.

In light of the LLFA’s most recent comments, it is recommended that the Section 106 agreement should include provisions for the management of the watercourse along the site’s southern boundary. The four conditions listed in the most recent comments of the LLFA (relating to separate systems of drainage, surface water discharge, overland flow routing, and construction-phase drainage) are also recommended.

Highways matters

At the Strategic Planning Committee meeting of 28/10/2020, Members requested accident data for the roads surrounding the application site. Commentary regarding accidents is provided at section 3.5 of the applicant’s Transport Assessment. This states that – using collision data from the period 01/01/2012 to 21/06/2017 and traffic data from the period 22/06/2017 to 30/06/2018 – “slight” and “serious” incidents and no fatal incidents occurred in the area (namely, at the Leeds Road / Chidswell Lane junction, the Shaw Cross junction, and the Owl Lane / A638 / Leeds Road / Chancery Road junction). Where a cluster of incidents has occurred, the Transport Assessment analyses the data more detail to determine if this was due to issues with the existing highway network.

Five incidents have occurred within the vicinity of the Leeds Road / Chidswell Lane junction in the period of data analysed, with four being “slight” and one being “serious”. The serious incident occurred on 26/06/2016 during daylight hours. This occurred when vehicle one turned across the path of vehicle two which caused a collision, contributory factors are very likely due to vehicle one failing to look properly and failure to judge the other person’s path or speed. The four slight incidents at this junction have listed such contributory factors as failure to look properly or failure to judge the other person’s path or speed. These are all likely due to driver error, and do not indicate any concerns in terms of road safety.

Six incidents have occurred within the vicinity of the Shaw Cross junction in the period of data analysed, all of which were “slight”. These incidents at this junction have listed such contributory factors as failure to look properly and disobeying the traffic signals. These are all likely due to driver error, and do not indicate any concerns in terms of road safety.

Nine incidents have occurred within the vicinity of the A638 / Owl Lane / Leeds Road / Chancery Lane roundabout junction with eight being “slight” and one being “serious”. The serious incident occurred on 26/05/2016 at 06:15. This occurred when a car failed to give way to a cyclist negotiating the roundabout, resulting in the cyclist falling and being seriously injured. The eight slight incidents at this junction have listed such contributory factors as failure to stop in time, failure to give way or loss of control. There are likely due to driver error, and do not indicate any concerns in terms of road safety.

The applicant’s Transport Assessment states that the proposed development’s additional traffic would not materially affect the local road safety record, and that the accidents recorded locally do not indicate a safety concern nor any safety trends on the local highway network in the vicinity of the proposed development.

Officers agree that the available data does not illustrate a significant cluster of incidents in the area surrounding the application site. Furthermore, analysis of the incidents does not reveal common causal factors. Therefore, it is not considered that there is a fundamental problem with highway design and safety locally. The new junctions and layouts proposed by the applicant would have adequate visibility for all road users (subject to full details of internal road layouts, and of crossings, being secured via a recommended condition). Having regard to the volumes of traffic which currently pass through the local road network, it is not considered that the proposed development would increase the likelihood of incidents locally, nor would the matter warrant further investigation, and no mitigation on the existing local highway network is considered necessary in connection with the proposed development.

On 26/01/2021, Wakefield Council confirmed that it currently has no plans for capacity improvements at the Owl Lane / A638 / Leeds Road / Chancery Road junction. Wakefield Council have previously investigated a scheme at this junction, however this work established that there was no viable solution that could be delivered in the available timescale and budget. Wakefield Council officers have advised that the matter may need reassessing when the full impact of the proposed development in Kirklees is better understood.

Regarding the restriction on right-turns from the proposed spine road into Chidswell Lane (discussed at paragraphs 10.93 and 10.94 of the committee report), and having regard to Cllr Lukic’s comments report at paragraph 7.10 and Wakefield Council’s comment that Chidswell Lane is an advisory cycle route, Highways Development Management officers have confirmed that that the relevant Traffic Regulation Order can be worded to allow cyclists to undertake the turn, and the road sign restricting right turns at this junction can include “except cyclists” wording.

The LLFA have noted that the attenuation tank beneath the proposed development's southernmost open space would be close to the highway. This has not attracted comment from KC Highways Structures, however dialogue with that team (and the council's Section 38 officers) would continue nonetheless at conditions stage, to ensure compliance with the council's Highway Design Guide SPD.

Public open space and landscaping

The applicant has submitted landscaping drawing 3558/1 rev F, which includes some details of planting, and indicates that a 100sqm Local Area for Play (LAP) and a 400sqm Local Equipped Area for Play (LEAP) would be provided on-site.

The provision of a LAP and a LEAP on-site is welcomed (and has enabled a recalculation of the required open space contribution). It is recommended, however, that conditions relating to landscaping and open space still be applied.

The LLFA noted that, to accommodate the attenuation tank beneath the proposed development's southernmost open space, cover levels would have to be raised. Officers have therefore requested existing and proposed sections of that part of the site, illustrating how the tank would be accommodated.

No up-to-date biodiversity net gain calculation has been submitted by the applicant, however it is recommended that this matter be addressed via the condition and planning obligation listed in the committee report.

Design and conservation

As noted by Cllr Lukic on 24/01/2021, Gawthorpe Water Tower was added to the statutory list by Historic England on 04/12/2020. This local landmark is now Grade II listed for the following principal reasons:

Architectural interest:

- *it has a strikingly elegant neoclassical design executed in reinforced concrete that is atypical in its level of detailing and aesthetic treatment;*
- *it is a prominent landmark structure that makes a strong architectural statement reflecting civic pride;*
- *it compares favourably with other listed water towers nationally and is a distinguished example of a municipal water tower.*

Historic interest:

- *it is an important physical reminder of the significant advancements in health and sanitation made in the latter half of the C19 and early C20, and developments in public water supply provision.*

The tower is located to the southeast of the application site, approximately 190m away from the site's nearest corner. The tower stands on land approximately 125m AOD. As noted at paragraph 2.3 of the committee report, the application site's lowest point is at its south corner (approximately 105m

AOD), and its highest point is at its north corner opposite Chidswell Farm (approximately 124m AOD). The tower is visible from the application site, and is visible in longer views across the site (including from all locations along the site's Windsor Road and Owl Lane frontages).

Paragraph 10.32 of the committee report states "...wider landscape impacts (including impacts upon the setting of the unlisted landmark water tower at Gawthorpe Reservoir) would not be adverse". This assessment has been revisited in light of the listing of Gawthorpe Water Tower – such a reassessment is necessary, as Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the council to have special regard to the desirability of preserving the nearby listed building, its setting and any features of special architectural or historic interest which it possesses. Furthermore, paragraphs 193 and 194 of the NPPF state that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be), and that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Local Plan policy LP35 states that development proposals affecting a designated heritage asset should preserve or enhance the significance of the asset.

The proposed development would undoubtedly reduce the visibility of the water tower in views from parts of Windsor Road and Owl Lane, and from within the application site. As noted by KC Conservation and Design, the experience of the water tower would be changed by the proposed transformation of the arable landscape to the northwest of the heritage asset. However, views of the water tower from the proposed central open spaces, and from other locations, would remain available. The appreciation of the water tower's distinctive design and prominence as a landscape feature would be retained, and the proposed extension of the built-up area towards the water tower would not diminish the architectural or historic interest of the structure as a heritage asset.

The proposed development is considered to cause no demonstrable harm to the Grade II listed Gawthorpe Water Tower. In terms of its impact upon this newly-designated heritage asset, the proposed development is considered compliant with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF, and Local Plan policy LP35.

Erection of 124 dwellings, landscaping and associated infrastructure

Land at, Whitechapel Road, Cleckheaton

Revised recommendation:

In light of further information provided by the applicant. The list of recommended planning obligations is therefore revised to include:

- 1) Affordable housing – 25 affordable housing units (tenure split of 16% social or affordable rent (i.e. 4 affordable rent dwellings) / 84% intermediate (i.e. 21 discounted market sale dwellings) to be provided in perpetuity.
- 8) Off-site Biodiversity Net Gain requirements – Contribution (amount to be confirmed, if necessary) towards off-site measures to achieve biodiversity net gain.

In light of further information provided by the applicant and the most recent comments received from consultees, the following additional/amended conditions are recommended:

- Geotechnical and/or structural submissions of works that impose additional load or influence on the existing banking, gantry or boundary treatment
- Construction Management Plan (CTMP) that takes into consideration impact on Strategic Road Network
- Site drainage must not connect or impact on the Strategic Road Network drainage systems.
- Submission of appropriate acoustic boundary fencing and plan detailing its management and maintenance
- The provision, agreement, implementation and retention of appropriate PROW provision and treatment
- Submission of the necessary cross and long sections of the proposed PROW
- Submission of constructional and design details for public access
- Submission of details as to how the path on site north of the Priory public house meets and works with the estate road layout
- Provision, agreement, implementation and retention of scheme regarding safety of public footpath and users during and after construction.
- Submission of on and off site drainage details
- Submission of flood risk and run-off assessment
- Submission of details that shows overload flows and flood routing
- Submission of details of temporary surface water drainage for the construction phase
- Proposed management and maintenance of the drainage systems
- Submission of internal adoptable roads details
- Measures to manage parking at the proposed site access point
- Submission of details of construction access, parking, amenities and delivery arrangements
- Submission of a full travel plan

If members are minded to approve the planning application, then it may be necessary that supporting documentation to be included in the plan schedule be updated with the latest site layout plan (Drawing No.: P17:5076:01 DD). This is to avoid any future discrepancies.

Since the publication of the Committee Report the following has been received:

Amended Plan/Additional Information (with supporting text from agent):

On 21st January 2021, the following were received:

- Proposed Site Layout (Drawing Number: P17:5076:01 DD)

Planning Agent: The plan was submitted in response to comments provided by Highways and Public Rights of Way teams. The plan includes visibility envelopes; the annotation for the multi-modal link; and clarification regarding visibility splay at the site entrance.

- Two street scene images. However, due to file size one of the images could not be uploaded onto the website. The images show the proposed indicative street scenes with the proposed Public Open Space to the south of the site.

On 22nd January 2021, the following were received:

- Biodiversity Net Gain Assessment (BNG) (BSG) Ecology, Reference: P20-1125 Cleckheaton Biodiversity metric Calculation Report)

Planning Agent: Due to the substantial amount of open space (27% of the site area); proposed landscaped/wild flower planting; hedgerow enhancement; and tree replacement planting (140 trees) being proposed by the scheme we were shocked by the outcomes of the previous BNG assessment that was undertaken. Especially considering the baseline ecological value of the site. Accordingly, following the recommendation of Barratt Homes' Group Biodiversity Leader we asked BSG Ecology to undertake a re-assessment of our proposals.

BSC Ecology were recommended on the basis of their experience of undertaking BNG assessments across the Country and the direct work that they are undertaking with DEFRA on this subject, particularly Dr Jim Fairclough of BSG who is the Principle Ecologist leading on the assessment work for this site.

The enclosed report sets out the methodology of the updated work that has been undertaken. Which included a Botanical Survey. This survey was not undertaken prior to the previous calculations being concluded. The results of the work are fully set out in the enclosed report. The key conclusion of the assessment is that: - Under the proposed development, a 2.8 % uplift in biodiversity can be achieved for habitats and a 68.98 % uplift for hedgerows.

As you are aware, the NPPF and Policy LP30 of the Local Plan only establish that a net biodiversity gain should be provided. Accordingly, the enclosed report confirms that the proposed development meets with the relevant policy guidance.

Ecology Consultant: The outcome of the assessment is rather different to what you might have seen previously. This is because the grassland habitat which is present across more or less all of the site is 'modified grassland' a habitat of low distinctiveness that is characterised by prevalence (and often abundance) of perennial rye-grass (and other competitive grasses), and low species diversity (especially of wildflowers). This habitat is described in the UK Hab classification as being equivalent to the species-poor semi-improved grassland category identified in the JNCC Phase 1 Habitat Survey Manual. It would appear that previously the grassland was simply misclassified as 'other neutral grassland', a habitat more akin to species-rich semi-improved grassland (in Phase 1 terms). Because other neutral grassland has a medium distinctiveness, this incorrectly over-inflated the baseline score for the site, meaning that the starting point was so high that despite all the positive habitat creation that is committed to on-site, it would not be possible to make a net gain.

The present report provides what we consider to be an accurate position in regards to BNG, based on review of available information, botanical survey recently undertaken by ecologists experienced in plant identification and careful consideration of the key reference documents for habitat classification and condition assessment.

Officer response: It is welcomed that amended information has been received to try and address consultees concerns. The information appears to show that a biodiversity net gain may be able to be achieved on site with the necessary landscape measures, in accordance with Local Plan policy LP30. Given the time constraints, comments from consultees have not been sought. If members are minded to approve this planning application then officers would seek formal comments. If the issues raised by consultees still have not been satisfactorily addressed then the necessary planning conditions and obligations would still be sought as detailed in the committee report.

For clarity, point 8 in the committee report recommendation box should therefore be superseded with:

- 8) Off-site Biodiversity Net Gain requirements – Contribution (amount to be confirmed, if necessary) towards off-site measures to achieve biodiversity net gain.

On 25th January 2021, the following was received:

- A Tree Mitigation Strategy Justification Letter, prepared by BWB (Reference: JM/CC250121)

Officer response: Again, it is welcomed that further information has been provided in relation to the comments made from consultees. The letter explains how The Forestry Commission's 'The Right Trees for a Changing Climate' and The Trees and Design Action Group (TDAG) "Tree species selection for Green Infrastructure" has been used in selecting the most suitable trees for the site and resilient species for the future. However, given the time constraints, comments (in relation to this letter) from consultees have not been sought. If members are minded to approve the planning application then officers would seek formal comments. If the issues raised by consultees still have not been satisfactorily addressed then the necessary planning conditions would still be sought as detailed in the committee report.

Consultee Comments:

Highways England: No objection subject to the following conditions (after reviewing the submitted information):

1. Prior to commencement of works within 15m of the Highway England boundary, that may impose additional load or influence on the existing banking, gantry or boundary treatment, geotechnical and/or structural submissions in accordance with DMRB CD622 and/or CG300 shall be submitted to and approved in writing by the Local Planning Authority (in consultation with and requiring certification by Highways England).
2. Prior to construction a Construction Management Plan (CTMP) shall be submitted and approved in writing by the Local Planning Authority this should include but, is not limited to, ensuring no deliveries to and from site via the M62 J26 are undertaken during peak hours, identify the location of any HGV waiting areas and include details of the management of said areas, and details of wheel wash facilities.
3. Prior to commencement of works finalised plans for site drainage must be submitted in writing to the Local Planning Authority and must not connect into or impact on Strategic Road Network drainage systems;

Reason: To ensure the safe and continued operation of the Strategic Road Network.

In addition, an appropriate acoustic fencing should be proposed with steel posts that is more durable over time. There should also be the necessary management and maintenance arrangements to ensure that rotting timber is replaced and does not result in debris affecting the strategic road network and so that any graffiti is removed.

Officer response: The proposed acoustic fencing detail, together with its management and maintenance could be secured by planning condition.

KC Public Rights of Way (PROW):

No objections subject to conditions and obligations

The revised layout has been improved. When considering the development as a whole and the proposed change to public footpath Spenborough 24, members are asked to take into account DEFRA circular 1/09, paragraph 7.8 *"In considering potential revisions to an existing right of way that are necessary to accommodate the planned development, but which are acceptable to the public, any alternative alignment should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic."*

Members may consider whether the site constraints, the alternative provisions of public footpaths and other public access routes to the northwest and southeast of the site mean that the proposed public footpath provision is adequate and appropriate. Such matters may be relevant in the required diversion order process, if the development is to go ahead.

A site layout plan has now been provided showing the necessary amendments to the proposed diverted PROW including a multi-modal link and should be secured by Section 106 Agreement.

The site layout plan is now clearer regarding the proposed diverted PROW around plot 85 of what may be provided and constructed for public use.

The applicants have explained that the footpaths would be aligned with the road gradients with a maximum gradient of 1:16, which is agreed in principle in assessing feasibility.

It is agreed that the following matters would be secured by condition(s) where necessary:

- secure the provision, agreement, implementation and retention of appropriate PROW provision and treatment
- the necessary cross and long sections of the proposed PROW
- constructional and design details for public access
- how the path on site north of the Priory public house meets and works with the estate road layout
- provision, agreement, implementation and retention of scheme regarding safety of public footpath and users during and after construction.

The following footnote attached to any decision notice:

- The development proposal would require the formal diversion of public right of way before implementation, by separate process, with separate application and significant costs. Diversion of the public footpaths on site is not supported regarded these current planning submissions.

The following matters would be agreed by planning obligation:

- S106 provision of multi-use public link route at northwest of the site to be provided and secured – detail could be agreed after committee.
- S106 provision of monies (£20000) for improvement to the public rights of way and access network.

KC Lead Local Flood Authority: No objection subject to planning conditions for drainage details, flood risk and run-off assessment, overload flows and flood routing, temporary drainage provision and management and maintenance.

KC Highways Development Management: No objection subject to planning conditions for internal adoptable roads, measures to manage parking, construction access, residential travel plan and planning obligations for blue tooth journey time detectors, bus stop improvements, core walking and cycling improvements, multi-modal link route and provision of sustainable transport measures.

KC Environmental Health: Awaiting comments on the latest information regarding noise.

Yorkshire Water: (Awaiting formal comments but received informal comments) No objections subject to the relevant planning conditions.

Public Representations:

2 additional objections have been received. A summary of these are below:

- Very little has changed in the plans

Officer response: Changes have been made to the planning application in response to consultee comments particularly in relation to highways, public rights of way, drainage, biodiversity and landscape.

- Disregard of biodiversity and thus, contrary to the NPPF

Officer response: The Council's Ecologist has stated that the proposals are unlikely to have significant negative ecological impacts on protected or notable habitats and species, provided mitigative measures are followed. Development Management acknowledge that a biodiversity net gain is yet to be demonstrated as required in Local Plan policy LP30. However, Development Management advise that this can be achieved by means of planning condition and obligation. This approach is in accordance with the NPPF paragraph 54, which states that "*Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.*"

- Negative increase in noise and air pollution from an increase in traffic in an already heavily congested area

Officer response: Environmental Health have not raised any objections subject to the necessary planning conditions on the matters raised. Amended noise assessment and air quality assessment reports were submitted in January 2021 to acknowledge the erection of an acoustic barrier with the motorway. Environmental Health have yet to provide comments on the noise assessment but objections have not been raised previously. Consultant reports show that the erection of an acoustic barrier on the western boundary of the site would mitigate noise from the M62 motorway. In addition, the acoustic fence would allow for an air quality buffer zone of 12.25m as it would act as barrier to help mitigate pollution concentrations caused by motorway traffic.

- Irreversible negative impact on the significant Heritage site and surrounding landscape including the copes which need protecting for historical value to the area

Officer response: This matter has been assessed in paragraphs 10.9 to 10.18 of the committee report.

- Negative impact on the natural habitat for wild animals with removal of open space and removal of TPO trees

Officer response: Noted. It is acknowledged that this proposal would mean the loss of mature trees, some of which are protected trees. Development Management advise that the necessary planning conditions and obligations will be able to secure a suitable detailed landscape scheme that would be able to mitigate against the loss of trees and any loss of habitat.

- Negative impact on already over- subscribed amenities and on the local infrastructure.

Officer response: With regard to the impact on education provision, the applicant is providing a financial contribution in line with the advice from the Council's Education section. In terms of the impact on medical facilities, the scale of development is not at a level that would require new healthcare facilities to be required under Policy LP49. Local healthcare provision is a matter for those particular providers and population data would form part of their planning for the delivery of services. The impact on drainage and road infrastructure has been assessed as being acceptable. Officers consider that the proposed development would help to support existing local shops and services.

- The increase in traffic obviously emits toxic fumes and so will contribute to the increase of breathing related illnesses or worse an increase burden on an already over stretched NHS.

Officer response: Noted. The development proposal has been designed in accordance with the technical specifications outlined in the supporting air quality assessment and noise impact assessment.

- Detrimental effect on the character of the area with a large housing estate, especially close to a heritage area and how can this be in keeping with the UK government A Green Future: plan launched in January 2018 a 25 Year Plan to Improve the Environment The Plan lays out a range of goals and policies designed to 'help the natural world regain and retain health.'

Officer response: NPPF paragraph 2 explains that planning law requires that applications for planning permission be determined in accordance with the development plan. The site is a housing allocation (Reference: HS97). As such, Local Plan policy LP65 states that planning permission will be expected to be granted if proposals accord with the development principles set out in the relevant site boxes. Thus, the principle of housing development at this site is considered acceptable.

- Cumulative impact on local infrastructure as a result of other developments in the locality, including 80 apartments off Kenmore Drive and 203 houses on land in Westgate, Cleckheaton, between Robert Street and Quarry Road.

Officer response: NPPF paragraph 2 explains that planning law requires that applications for planning permission be determined in accordance with the development plan. The site is a housing allocation (Reference: HS97). As such, Local Plan policy LP65 states that planning permission will be expected to be granted if proposals accord with the development principles set out in the relevant site boxes. Thus, the principle of housing development at this site is considered acceptable.

- According to the Consultation responses the Police Crime Prevention department are not supporting the application what is being done about their concerns?

Officer response: The West Yorkshire Police Liaison officer has made a number of comments and recommendations, particularly with regards to shared rear access footpaths for mid-terrace properties, boundary treatments, access gates, lighting, surveillance and home security. All of the comments made are advisory and have been referred to the applicant. Additionally, all

these considerations need to be weighed against future residents' preference. For instance, future residents of mid-terrace properties may prefer the proposed rear access arrangements as it will allow for waste and dirty bicycles to be moved outside rather than through their homes. The applicant has suggested lockable gates and alternative boundary treatments and is willing to accept the necessary planning conditions to address these matters. Therefore, subject to the imposition of conditions, it is considered that the site can be satisfactorily developed whilst minimising the risk of crime through enhanced security and well-designed security features in accordance with Local Plan policy LP24 (e).

Spen Valley Civic Society:

In addition, to the two representations the following email was sent by Spen Valley Civic Society to all of the Strategic Planning Committee Members on 23rd January 2021:

"We think it will be considered as lobbying, and is not our preferred method of communicating our views, but feel we have no alternative. We have already submitted written comments during the consultation period. We continue to support the principle of housing on this site; however the Council's report, which has only become available for us to consider on publication of the agenda, contains details relating to ecology/biodiversity that had not previously identified as being problematic. Specifically our concerns are the proposals to remove a large number of mature trees, many of which (18) are subject to TPO's. We see this email as the only effective way of communicating our concerns at this stage in the proceedings.

Spen Valley Civic Society spends many hours planning, raising funds and planting trees in the Spen Valley in order to improve and extend the limited green infrastructure and biodiversity in our area. It is very distressing and disappointing for us to see our efforts being undermined by recommendations such as the ones presented in this report. It must also be very demoralising for Council officers and experts from other organisations such as Yorkshire Wildlife to have their conclusions, based on their professional knowledge and local and national guidance and policy in respect of the Climate agenda, completely disregarded.

Are we the only ones to think it is absurd that the Council placed TPO's on the trees in January 2020 with the specific intention to prevent their destruction in the subsequent housing development, only to recommend their removal 12 months later, to permit the housing development to proceed based on the preferred site plan of the developers. What has changed? The TPO's are doing what it was intended they would do – protect the trees!

The Council has got its priorities completely wrong, and needs to acquaint itself with the national and regional climate change agenda and direction of travel. It should be for the site developers to come up with a design plan which promotes and protects the existing green infrastructure. If that means building fewer houses on the site, then so be it. If the Council needs to make up the shortfall, we can direct them to a number of unused (Council owned) sites in the Cleckheaton area which are suitable for housing.

The suggestion by Development Management that the proposed planning conditions can deliver an appropriate tree mitigation strategy and deliver 'an overall biodiversity gain', is frankly unbelievable. The condition referred to is as follows – a contribution, amount to be confirmed, towards off-site measures to achieve biodiversity net gain. Or to put another way, an unknown amount of

money for somewhere not yet identified. The Development Management Group must be the only people who still think that the planting of new trees (ie saplings), fully compensates for the loss of mature trees – or at least not for the next 30 years or so. The Local Plan identified that Kirklees is way below the national average for tree cover, and North Kirklees is even further down. We need more trees, not inferior compensatory planting. This site in particular needs all the trees it can get. It is immediately adjacent to the M62 at the point where it is joined by the M606. Consequently it suffers noise and air pollution. All the existing trees have an important role in combating the air pollution and dampening down the noise, not just for the new residents on this site, but for those existing residents in nearby properties, who have benefitted from their presence.

The Planning Committee should refuse to endorse this application until plans are presented which retain all the mature trees on site, and truly deliver a net gain in biodiversity.

Spenn Valley Civic Society”

On 25th January 2021, the Planning Agent provided the following response to the above comments made by the Spenn Valley Civic Society:

“I would like to start by setting out the documents that we have submitted to the Council in association with the matters being raised. These include: -

- *Full Ecological Survey Work and Species Specific Analysis*
- *A updated Biodiversity Net Gain assessment - by an industry leading ecologist on this matter.*
- *Arboricultural Impact Assessment (AIA)*
- *Tree Mitigation Statement*
- *Formal Objection to the TPO*
- *Heritage Assessment*
- *Landscape Masterplan*
- *Health Impact Assessment*
- *Air Quality Impact Assessment*
- *Noise Impact Assessment*

I list the above documents in order to point out the substantial amount of evidence that we have gathered in order to both formulate the design of the development proposals and then to be able to justify them in planning policy terms. Indeed, the Council have used the same evidence when deciding to recommend the planning application for approval at planning committee.

Whilst I won't repeat the conclusions of all of this work here (this is set out in the Council's committee report), I will refer to it when responding to the comments raised by the Civic Society.

The issue of the TPO trees is a complex matter and as you are aware we formally objected to the TPO being made. One of the key reasons being that a large majority of the trees included in the TPO are required to be removed in order to deliver the site's access. So the removal of these trees is quite simply unavoidable given the site's allocation for housing in the Local Plan. Other matters that we raised in our objection to the TPO are summarised as follows:-

- *In making the TPO no evidence was presented by the Council to justify that the trees to be included in the TPO had the required arboricultural value, amenity value or heritage value to justify their inclusion within a TPO.*
- *The TPO was made after the submission of the planning application and importantly after the conclusion of the Local Plan examination process. The value/quality of the trees located within the site were discussed in detail as part of the Local Plan process and the site was retained as a housing allocation. It was noted at every stage that tree removal was needed in order to deliver the development and importantly the site access.*
- *The retention of trees that have an “evidenced value” are retained within the development proposals.*
- *The AIA submitted with the Planning Application is consistent with the Council’s proposed TPO in that it concludes that “moderate value” trees can be removed in order to facilitate the delivery of the housing site allocation in accordance with the Council’s Strategic Planning Objectives.*
- *Tree removal within the development proposals has been limited to that needed to ensure the feasibility of the development in order to deliver an allocated housing site.*
- *There is substantial opportunity for replacement planting to compensate for the loss of trees required to facilitate the development proposals.*
- *The development proposals will also provide the opportunity to manage and maintain trees located at the site in perpetuity, where previously there has been none.*

*Notwithstanding the above, we have worked closely with our Arboricultural experts to devise a robust tree mitigation strategy for the site. This is set out within the submitted Tree Mitigation Statement. **Replacement trees will be planted at a ratio of 2:1 with a total of circa 140 new trees. The existing canopy cover of removed trees is approximately 2800m². The proposed canopy cover of 140 trees with an average 6m diameter tree canopy would be approximately 3900m².** The Forestry Commission’s ‘The Right Trees for a Changing Climate’ and The Trees and Design Action Group (TDAG) “Tree species selection for Green Infrastructure” has been used in selecting the most suitable trees for the site and resilient species for the future. Tree species have been selected and listed in the following schedule. A palette of 13 tree species are proposed. There are numerous varieties that can be selected for crown form and ornamental qualities and these have been selected to create a balanced mix of uniformity and diversity. The number of each species has been considered in terms of their function within the landscape scheme and their planting location i.e. (small ornamental trees in gardens, formal street trees, and individual specimen trees and tree clumps in green spaces).*

We have sought to work alongside the Council’s Tree Officers to agree the final details of the proposed tree mitigation strategy, however, at this point we have not been provided with any constructive feedback. But should the application be approved, we hope to revisit this discussion when discharging the relevant planning condition which would seek the approval of these final details.

The Health Impact Assessment and Tree Mitigation Statement provide evidence in response to concerns associated with the climate change agenda. We will be delivering an increased amount of tree canopy across the site. The trees will be located within 1.35ha of land that will be delivered as public open space at the site, which is approx. 30% of the total site area and substantially larger in size than the standard amount of public open space delivered as part of housing developments. Every proposed home will be provided with electric vehicle charging points and we are also providing a number of sustainable travel measures (including bus stop upgrades and metro cards). The site also benefits from being located adjacent to a Primary School and we will provide a new pedestrian/cycle link between the site and the school's frontage.

*With regards to Biodiversity Net Gain, we have submitted further documentation to the Council which confirms that net gain will be delivered on-site. **Under the proposed development, a 2.8 % uplift in biodiversity can be achieved for habitats and a 68.98 % uplift for hedgerows.** Our submitted Landscape Masterplan confirms that every part of the 1.35ha of open space on the site has been utilised to maximise biodiversity potential. Not only through the planting of 140 trees (which includes a new orchard), but also through hedgerow enhancement, the planting of species-rich shrubs and the provision of wildflower grassland across the scheme.*

The proposed tree and landscape planting will also provide benefits in respect of noise and air quality matters. Our submitted reports on these subjects outline the mitigation measures that we need to deliver (including an acoustic bund, acoustic fencing, electric charging points and enhanced glazing) to ensure that there are no issues in respect of the amenity of prospective residents. Accordingly, the landscape strategy for the site will enhance these measures further and will provide benefits not only for the residents of the site but also a further layer of mitigation/protection for existing residents of the area.

The socio-economic benefits of the development must not be ignored either. These are a major consideration when determining planning applications for housing. The development will deliver much needed new homes to Kirklees, including 20% affordable homes. It will also provide new construction jobs. It will importantly deliver £480k towards improvements to local schools, £72,000 towards improvements to existing areas of public open space and £20,000 towards improvements to The Greenway. The reduction of homes on the site further would have an adverse impact on the potential to deliver these benefits.

My reference to a further reduction of homes is associated with how the proposals have reduced from the original pre-application scheme of 170 homes, which was then reduced to 133 homes at the point of the submission of the planning application and a further reduction to 124 homes at the point of planning committee.

*When all of the submitted evidence/analysis is considered holistically, we believe that the appropriate balance has been struck. **The number of homes required by the sites' allocation in the Local Plan can be delivered and net biodiversity gain can be provided on-site.** Through such mitigation measures as the planting of 140 new trees, leading to an increase in the overall tree canopy spread within the site compared to that which is on-site currently."*

Affordable Housing:

Since the publication of the committee report the applicant has made officers aware of the incorrect tenure split mistakenly quoted in the committee report. The latest site plan drawing (Drawing No.: P17:5076:01 DD) shows the correct number and tenure mix of the affordable housing proposed.

In November 2020, officers agreed with the applicant that a tenure split of 16% social or affordable rent (i.e. 4 dwellings) / 84% intermediate (i.e. 21 dwellings) was acceptable. This would mean that four dwelling houses instead of just one dwelling house would be for social/affordable rent. All of the 12 apartment dwellings would now be intermediate dwellings, instead of affordable rent.

The council's Interim Affordable Housing Policy – January 2020 explains how The Kirklees Strategic Housing Market Assessment (SHMA) (October 2016) sets out the current required tenure split in Kirklees as 55% affordable rent, and 45% intermediate tenure. Therefore, the applicant's proposed affordable housing offer would deviate from the council's preferred tenure mix. However, Development Management consider that the proposal would enable the delivery of other key planning obligations, whilst still being in accordance with Local Plan policy LP11 in the delivery of 20% of affordable housing on-site. Therefore, point 1 in the committee report recommendation box should be superseded with:

- 1) Affordable housing – 25 affordable housing units (tenure split of 16% social or affordable rent (i.e. 4 dwellings) / 84% intermediate (i.e. 21 dwellings)) to be provided on site.

Planning Application 2020/92800

Item 11 - Page 173

Demolition of existing warehouse and workshop unit and the erection of 3 units with reconfigured access, boundary treatment, landscaping and associated works

Land at, Pennine View/Pheasant Drive, Birstall, Batley, WF17 9LT

Additional Conditions

In light of further information provided by the applicant and the most recent comments received from consultees, the following additional/amended conditions are recommended:

- Submission of details regarding the proposed Surface Water Attenuation Tanks, including the necessary maintenance and management details.
- Submission of details of temporary surface water drainage for the construction phase

Amended Plan/Additional Information

Since the publication of the committee report, the following were received:

On 18th January 2021 an email was received from the agent, which provided further clarification and information in relation to the comments made by Environmental Health on the assessment of the submitted Phase 2 Report and the Remediation Strategy. In addition, the documents were also provided:

- 2no. Analytical Reports (Number: 20-97793 prepared by i2 Analytical Ltd.)
- Gas Monitoring Across Borehole Locations prepared by Terra 97

Given the date of submission, Environmental Health are still reviewing the documents and are yet to provide formal comments. It is understood that this information has been provided to avoid the need of pre-commencement conditions as suggested by Environmental Health. Therefore, Development Management consider the conditions in the report are still necessary unless the information received addresses the comments raised by Environmental Health.

On 25th January a Draft Planning Obligation by Undertaking by given pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) was received.

This includes a "Greenway Contribution" the sum of £36,000 (thirty six thousand pounds) for the improvement and upgrade of circa 180 metres of existing public rights of way (recorded on the definitive map under reference numbers BAT/8/10 and BAT/8/20) to "Greenway" standard between Pennine View and Moat Hill Farm Drive, Birstall, West Yorkshire.

Officer response: Development Management acknowledge the receipt of the draft Unilateral Undertaking.

Consultee Comments:

Yorkshire Water: No further comments.

KC Lead Local Flood Authority:

Further to our comments of 8th January 2021. Kirklees Flood Management & Drainage as Lead Local Flood Authority can SUPPORT this application SUBJECT to appropriate CONDITIONS

Wavin Aquacell Core R BBA Certificate has been received which states a lifespan 'in excess' of 50 years and a suggested maintenance regime. The LLFA continue to advise the LPA of difficulties of inspection and maintenance of crate storage with sealed membrane design in relation to its obligation to ensure maintenance and management of sustainable drainage for the lifetime of the site. However, we are aware that the LPA has allowed such systems on comparable commercial sites in the recent past. If the Planning Officer is to accept such a structure on a commercial site, he/she must examine the predicted life of the development in relation to the 50 year life expectation of the crate storage and incorporate a replacement into the management and maintenance plan.

In line with current practice we recommend a full maintenance and management plan is required to be executed by a management company under section 106 unilateral undertakings given there are to be separate units on site. However, if the site is under one ownership (units leased) then the maintenance and management of the SUDS can be conditioned. We would include checking the operation of flow control devices on an annual basis, grease and repair as necessary. The neoprene seal should be replaced as per manufacturer's guidance

Microdrainage calculations show there is minor flooding in the 1 in 100+30% climate change events. This is now deemed to be negligible after alterations to the design and is acceptable.

General tank sizes are entered into the calculations. A final design of tanks can be conditioned as space has been made for this purpose. For completeness, a finalised drawing for both tanks in terms of widths/depths/lengths and quoted void ratios should be submitted.

The inclusion of an oil/petrol interceptor in the design is noted.

A formal risk assessment and method statement for temporary drainage and flood risk/pollution prevention will be required for the construction phase but will be conditioned and can be submitted before commencement of works. This must be a pre-commencement condition given it is part of construction phase management.

Suggested Conditions

Surface Water Attenuation Tanks (LPA to decide if maintenance and management is required to be in a section 106 agreement).

Development shall not commence until a scheme restricting the rate of surface water discharge from the site to a maximum of *58 litres per second* has been submitted to and approved in writing by Local Planning Authority. This shall include full detailed designed plans of surface water attenuation tanks sized to attenuate flows and volumes for the critical 1 in 100-year storm events incorporating an allowance for climate change. The scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented thereafter.

Construction phase pollution and flood risk prevention (Temporary Drainage)

Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

- phasing of the development and phasing of temporary drainage provision.

- include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

Officer response: Given the above comments, officers consider that if members are minded to approve the planning application then the planning conditions as suggested by the Lead Local Flood Authority be included within any decision notice. It is considered that the management and maintenance of the drainage infrastructure can be secured by planning condition in accordance with NPPF paragraph 54, which states that *“Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.”*

Planning Application 2020/90710

Item 12 – Page 195

Partial demolition, partial re-build, erection of extensions and alterations to mill to form 63 apartments and erection of 64 dwellings (Within a Conservation Area)

Westwood Mill, Lowestwood Lane, Linthwaite, Huddersfield, HD7 5RR

Highway matters:

The applicant has submitted an amended site layout plan and additional information in response to the outstanding highway matters that are referred to in the committee report.

The amended layout has incorporated the requested road widening within the site and has extended the length of the footway on the northern side of the internal estate road so that it now extends beyond the mill. This is in line with the advice from Highways Development Management.

The garages within the blocks to the west of the mill (blocks i1, i2 and i3) have been increased in length slightly so that they are now capable of accommodating two vehicles. This will help to reduce the potential demand for visitor parking in this part of the site.

The applicant has provided suitable responses to the other issues raised regarding detailed design and overall Highways Development Management consider the application to be acceptable, subject to conditions.

The council's Waste Strategy team have confirmed that acceptable bin storage and collection arrangements are provided. It has been recommended that the garage doors to the dwellinghouses are of a roller shutter type to aid the movement of bins in and out of the garages when a car is on the driveway; this is important for encouraging the use of internal space for bin storage and thus reducing unsightly bin storage at the front of dwellings. The garage door type can be required by condition. Conditions are also recommended regarding the maintenance and management of the communal bins stores serving the apartments as well as the provision of temporary collection arrangements for during the construction phase.

Flood risk and drainage matters:

The Lead Local Flood Authority : No objections.

LLFA have provided further comments on the application. The key points are as follows:

- The applicant's remodelling of the functional flood plain boundary has been amended slightly since the Environment Agency previously commented on the application and confirmation should be obtained from the Environment Agency that the updated modelling remains acceptable and that the proposed finished floor levels for the development also remain acceptable (this issue is reflected in the officer recommendation).
- Subject to the Environment Agency's comments, additional flood mitigation measures could be appropriate such as flood resistant doors to garages and bollards around the parking areas to contain vehicles where these are located in parts of the site shown to flood to a depth greater than 300mm.
- The applicant's emergency evacuation plan (to be required by condition) should also consider a route through the site in addition to the proposed raised walkway adjacent to the mill pond. Officers note that emergency access could be achieved through the walkway between blocks F and H.

Yorkshire Water

The applicant has provided a plan which demonstrates that Yorkshire Water's required stand-off distance of 4m is achieved between the existing public sewer and the redesigned terraces to the west of the mill. A condition regarding this minimum stand-off distance is recommended.

Viability:

Historic England have provided comments on the applicant's costs for the mill restoration works.

Historic England consider that the applicant's budget is within the expected range for the scope of works for repairs to the structures and envelopes, full residential fit-out and associated external works. Contingency costs are also at an acceptable level considering the scope of works.

There may be some scope for adjustment of costs through the refinement and completion of detailed design together with completion of trades procurement, but it is unlikely that significant savings could be achieved. The costs also do not account for any Brexit supply chain issues or significant Covid site works restriction issues. This is also confirmed by revalorised cost analyses on comparative schemes.

The above comments from Historic England support the conclusion reached by officers regarding viability.

Heritage interpretation:

The applicant's proposal includes the retention of the existing water turbine and the turbine hall within block C. This part of the building would form an entrance feature and communal space. The hall also provides a viewing terrace over the mill pond and sluice and incorporates toilet facilities.

The applicant's intention is to install a glass floor over the turbine mechanism and display progress photography of the mill's restoration work. This area would be bequeathed to local societies and interest groups for the display of artefacts and photographs of the textile industry that would have been typical at Westwood Mill. The idea is that this space would be made available for use by the general public on specific dates, such as the Easter Bank Holiday and August Bank Holiday. The applicant has advised that a similar such feature has previously been incorporated at another mill site which the applicant restored in Gloucestershire and has been successfully used since its completion some 20 years ago.

This element of the proposed scheme augments the public benefit of restoring this important historic building and officers are satisfied that the public use of this part of the building would not compromise the secure access to the apartments or unduly impede the flow of residents into and out of the property.

Additional representation:

An additional representation has been received and this is summarised below.

- Concerns raised with the publicity of the application - no public notices were displayed and the publicity period ran during the national 'lockdown' in spring/early summer 2020 when communication was restricted.
- The search facility on the council's website prevents the application from being found.
- Due process has not been followed regarding publicity and therefore a decision should be delayed until proper publicity has been undertaken.
- Objections remain concerning traffic on Low Westwood Lane, environmental issues, the scale of the development and concerns over flooding.

Officer response:

The application was publicised by site notices, neighbour letters and press advert. This level of publicity undertaken exceeds the statutory requirement. The application has remained available on the council's website since its submission.

The remaining objections have been addressed within the main committee report.

Planning Application 2020/90450

Item 14 – Page 235

Erection of restaurant with drivethru, car parking, landscaping, play frame, customer order displays and associated works

land at, Owl Lane, John Ormsby V C Way, Shaw Cross, Dewsbury, WF12 7RQ

7.0 PUBLIC/LOCAL RESPONSE

Since the publication of the Committee Report, one additional representation has been received. The comments received are summarised as follows:

- The development will make existing traffic problems worse
- The development will result in increased noise pollution
- The development will result in nuisance in the evenings
- The development will encourage rats if there is no rubbish control
- The site is located on a flood plain; concern over where the excess water will go

The concerns raised have been addressed in the report. With respect to the matter of flooding, the site is not located on a flood plain it is in Flood Zone 1 which is the most preferable from a flood risk perspective.

8.0 CONSULTATION RESPONSES

Following submission of revised and additional information, the following final consultation responses have been received from consultees:

KC Ecology: No objections subject to all works being carried out in accordance with the revised Biodiversity Compensation and Enhancement Plan, Landscape plan and maintenance regime

KC Highways DM: Conditions relating to layout, access and parking, retaining walls, and a schedule of the means of access to the site for construction traffic are recommended.

KC Public Health have been consulted on the application and have provided the following comments:

KC Public Health: KC Public Health has developed a tool which will support the decision-making process for new applications. The tool uses a range of local data in order to assess which areas have multiple risk factors for obesity. Postcodes are scored against each of these indicators. KC Public Health object to the application, and recommend that if the application is granted, the business is referred for further support from the Kirklees Food Initiatives and Nutrition Education (FINE) team:

Officer Response:

Policy LP 47 (Healthy, Active and Safe Lifestyles) of the KLP places emphasis on the creation of an environment which supports healthy, active and safe communities and reduces inequality. Whilst the development would serve the immediate locality, it is also sited within a location aimed at passing trade and therefore customers who live outside of the local area too. In addition, it is noted that within the applicant's supporting statement, they set out the ways in which their food offer has changed in recent years, to provide a range of food to allow customers a choice; providing calorie information, and reformulating existing items on the menus. They state that 54% of the menu is classed as non HFSS (not high in fat, salt or sugar) and 89% of items on their core food and drink menu contain under 500 calories. On the basis of these factors, Officers consider that on balance the proposed development to be acceptable, in relation to Policy LP 47.

Supplementary Mirfield 25, Leeds Road, Mirfield Item 16 – Page 269 Planning Compliance & Conditions Monitoring

- As mentioned in paragraph 2.8 of the report, the Highways Team have carried out daily visits to the site to assess the condition of Leeds Road since the 13th January, in all visits they have deemed the condition to be safe in terms of Highway Safety.
 - The LPA is aware that a complaint was raised with the Health & Safety Executive (HSE) concerning mud on the road. The matter was investigated by the HSE and they have closed their case concluding that they are satisfied with the developers mitigation measures to make the road condition safe and the Council's management/monitoring thereof.
 - An internal inspection of the first industrial unit has revealed that it is not occupied and in use, rather it is still being fitted out for future occupation. Therefore, the triggers in the conditions and S106 agreement in relation to occupation/use have not been triggered. Communication received from the developer is that relevant conditions will be complied with prior to the unit being brought into use.
 - The Council received a complaint concerning surface water run from the industrial site, relevant teams inspected the site have not found evidence of flooding but identified some minor surface water run-off which is linked to saturation of the ground alongside a new Yorkshire Water connection point which was exacerbated by the melting of recent snow fall, and so is a temporary issue. Officers have been in contact with the developer, who is in the process of connecting up the system and will be installing a gully with a silt trap to collect the surface water and connect it to the combined system.
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