

KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY STRATEGIC PLANNING COMMITTEE

29 JULY 2021

Planning Application 2018/93676

Item 8 – Page 11

Infill of land and formation of access and turning facilities, temporary fence and restoration to agricultural use

Land North West, Hog Close Lane, Holmfirth, HD9 7TE

Amendments following the release of the revised NPPF

In light of the revised published National Planning Policy Framework (NPPF) on 20th July 2021, the following amendments are relevant to the committee report:

Paragraph nos. 10.3 and 10.9

to replace “paragraph 146” with paragraph 150 of the NPPF.

Paragraph no. 10.47

to replace “paragraphs 178 and 179 of the NPPF” with paragraphs 183 and 184 of the NPPF.

Two further matters raised since completion of the committee report:

1) The agent was approached to confirm the amount of additional tree/woodland planting in line with Cllr D. Bellamy’s request for additional tree/woodland planting at the March SPC.

The applicant has responded (see below) requesting to trade the previously proposed creation of Heathland with woodland which is not accepted by the Biodiversity Officer. The proposals to be supported need to include additional tree/woodland planting as requested by Councillors at the March SPC and not omit compensation for the loss of heathland habitat on site.

Applicant’s response

“I have spoken to Peter Turner and RDF Ecology about the woodland. We are currently proposing 0.14 Ha.

We are also proposing to create 0.753 Ha of Heathland which the previous ecologist asked for, which since then which Amy has questioned (as RDF did previously) because it is very difficult to establish where conditions are not perfect and can take many, many years.

I am therefore suggesting that we propose to plant a minimum of 0.75 ha of woodland (instead of the heathland) along with any additional tree planting that may be required to make the Biodiversity Metric work and to the satisfaction of Amy. Mr Turner owns all of the land north of the watercourse up to Upper Milshaw so there is plenty of scope to accommodate what is needed”.

The Biodiversity officers response is:

“I did have a discussion with Rob at RDF Ecology, and raised some additional considerations with regard to the creation of heathland (i.e. the length of time to create, the management required, the need for soil testing and potential use of plug planting to speed up the establishment). After speaking with Rob it was agreed that, with some revisions to the management plan and the inclusion of a monitoring regime with remedial measures addressed, the establishment of heathland was feasible. Therefore, we were waiting for the amended report to support this.

The suggested new intervention of replacing the compensation for the loss of the heathland with woodland planting has not previously been discussed with myself and I'm afraid I would have several concerns with this approach. The woodland and heathland on the site are identified as a Habitats of Principal Importance within Kirklees, which are referenced within Kirklees Local Plan Policy LP30 stating “Proposals will be required to protect Habitats and Species of Principal Importance unless the benefits of the development clearly outweigh the importance of the biodiversity interest, in which case long term compensatory measures will need to be secured. It was previously agreed that the proposals may be considered acceptable provided adequate compensatory measures for the losses to these habitats were incorporated. This means that compensation for both the loss of the woodland and the loss of the heathland, as well as a net gain for biodiversity, are required in order for the proposals to be policy compliant.

Additional woodland planting is now proposed to satisfy comments made by members at the last committee meeting, however it is not considered appropriate to trade the heathland creation for this alternative intervention. It is not good practice to trade between habitat types, particularly those of high distinctiveness such as heathland without a sound justification for doing so. Losses to habitats are to be compensated for on a “like for like” or “like for better” basis and this is reflected in Defra’s Biodiversity Metric (both version 2.0 and the recently released 3.0) and in Kirklees’s own Biodiversity Net Gain Technical Advice Note. If the additional woodland planting was proposed in addition to heathland creation, then this would be considered acceptable however, I cannot support the new proposals to omit compensation for the loss of heathland habitat”.

Conclusion on biodiversity

Since the biodiversity officer comments were received, the applicant has now confirmed that they will keep the previously approved biodiversity net gain and will supplement this with an additional 0.14 Ha of woodland planting as requested by the Strategic Committee on 31st March 2021. Should members be minded to approve this development details of the compensatory proposals for the loss of on-site habitat of principal importance can be included by condition. The long term management and maintenance will be secured by a Section 106 agreement.

2) The agent has requested that Members are made aware of the following, statement which is addressed in paragraphs 10.18 and 10.58 of the committee report;

I don't think the viability of the farm business is particularly relevant here. Restoring the gully will create more productive farmland and there is no disputing this. Filling the gully will also make the farm safer – there is no disputing this, you can see it with your own eyes. There is policy support for farm diversification so I don't see the need to somehow demonstrate that the fill operation is necessary to secure the farms future – because it isn't. However, it will produce more productive farmland which will be available for years to come, increasing local production and thus helping to produce more goods locally. It will allow the farm to expand in a small way, giving it more financial security and better cash flow to develop the business which can be nothing but good news for the rural economy

Corrections to committee report:

Paragraph 10.50 of the committee report should read:

Uncontrolled release of greenhouse gasses from traditional waste disposal methods are inextricably linked to climate change. Crucially, in order to adapt to and mitigate against climate change impacts, the management of waste will need to be considered further up the waste hierarchy before consideration of disposal through landfill, which is the least sustainable way to manage waste. The waste to be deposited to landfill, as set out above is “the remaining residues of construction, demolition and excavation waste” as such would contribute to meeting the objectives of reducing the release of greenhouse emissions into the atmosphere, in accordance with the Councils and government guidance.

Planning Application 2021/90119

Item 9 – Page 35

Installation of 30m high valmont slimline climbable monopole on 6.6 x 6.6 x 1.4m dep concrete base with 6 no. antenna apertures at 330°/90°/210° and 4 no. proposed 600 dishes. RRU's, MHA's, active routers and BOB's to be fixed to headframe below antennas and associated ancillary works

Focal Community Centre, New Hey Road, Huddersfield, HD3 4DD

Amendments following the release of the revised NPPF

In light of the revised published National Planning Policy Framework (NPPF) on 20th July 2021, it is noted that no changes were made to the wording of Chapter 10.

Changes made to the wording of Chapter 12, including on the use of design codes and the importance of trees in urban environments, are noted. It is considered however that the changes made do not materially affect the assessment of this particular planning application. No specific NPPF paragraph numbers were referenced in the committee report.

10.0 APPRAISAL

Information in response to Committee Decision Deferral 01/07/21

Correction to Committee Report:

10.3 The Officer Report states that with a 25m mast, the predicted net loss in the number of people covered for indoor 4G would be about 4%. In fact, this is the predicted figure for EE only; for 3UK it would be 18%.

Additional information supplied since Committee Report:

10.4 The applicant has also submitted a plan showing the proposed connection to Northern Powergrid, which would be on the New Hey Road frontage, and has clarified that communication with other sites would be by dish link so there would be no need for any further underground fibre connection.

Planning Application 2021/92086

Item 10 – Page 47

Erection of 270 residential dwellings and associated infrastructure and access

land at, Bradley Villa Farm, Bradley Road, Bradley, Huddersfield, HD2 2JX

Representations

Cadent (National Grid) – Apparatus in the vicinity of the site may be affected by the proposals. The council's consultation has been referred to the Asset Protection team for a further detailed assessment.

KC Environmental Health – Regarding air quality, applicant's methodology and approach is accepted. Officers concur with the conclusions of the report that the NO2 and PM10 concentrations would not exceed the national air quality objectives for those pollutants. During construction, best practice mitigation should be implemented. Applicant's calculated air quality damage costs (£30,757 for the Bradley Villa Farm site and £243,991 for the HS11 allocation) are accepted, however applicant's proposed mitigation includes measures that cannot be counted against these costs. Section 106 agreement may need to secure damage cost contribution, for the council to spend on local air quality improvement. Condition recommended.

Regarding odour, applicant's methodology is generally accepted, however unpleasant agricultural odours were detected at ten locations, and applicant's survey work was carried out at unrepresentative temperatures. Officers cannot conclude that the future risk of odour complaints is low. Properties should be spaced further away from the adjacent farm.

Applicant's electric vehicle charging proposals are acceptable, subject to a condition.

Construction Environment Management Plan should be secured by condition. This should control hours of working, noise and vibration, dust and artificial lighting during construction. Condition recommended.

Regarding site contamination, the site is partially uncharacterised, further information is required in relation to gas risks and the ground gas regime at the site, and contaminated land conditions are necessary. Four conditions and a footnote recommended.

Regarding noise experienced by residents of the development, at some properties windows would need to be opened on hot days as trickle ventilation would not be adequate. This would expose residents to the site's elevated levels of road traffic noise. Mechanical ventilation is therefore likely to be needed. Conditions recommended regarding noise mitigation, ventilation of habitable rooms and acoustic barriers.

National Planning Policy Framework

A revised NPPF was published by the Government on 20/07/2021. This includes stronger wording in relation to improving biodiversity, and protecting and enhancing natural, built and historic environments.

Of particular relevance to this application, the revised NPPF places a greater emphasis on good design and creating beautiful places. Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It adds that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 129 states that the National Design Guide and the National Model Design Code should be used to guide decisions on applications in the absence of locally produced design guides or design codes. Paragraph 134 states that development that is not well designed should be refused.

Also of note, paragraph 131 of the revised NPPF requires new streets to be tree-lined.

Regarding the NPPF paragraphs referred to in the position statement, the following update is provided:

Previous NPPF paragraph number:	Referred to in position statement paragraph:	Revised NPPF paragraph number:
7	10.31	7
57	10.137	58
108	10.78	110
109	10.78	111
127	8.9	130
193	10.49	199
196	8.9	202

Further submissions

Further to paragraph 5.5 of the position statement, a corrected ES chapter 15 has been provided, along with clarification regarding the various versions of the Flood Risk Assessment submitted to date.

Since the writing of the position statement, the applicant has provided clarification as to which archaeology-related documents are to be formally considered. The applicant has submitted drawings of the Welwyn and Canterbury house types. An amended Energy and Sustainability Statement (rev 1) has also been submitted – this includes commentary explaining why a district/local heat network is not proposed as part of the development.
