

Public Document Pack



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Wednesday 11 May 2016

Notice of Meeting

Dear Member

Strategic Planning Committee

The **Strategic Planning Committee** will meet in the **Council Chamber - Town Hall, Huddersfield** at **1.00 pm** on **Thursday 19 May 2016**.

(A coach will depart the Town Hall, at 9.45am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in the Council Chamber, Town hall, Huddersfield.)

This meeting will be webcast live.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "Julie Muscroft".

Julie Muscroft

Assistant Director of Legal, Governance and Monitoring

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

The Strategic Planning Committee members are:-

Member

Councillor Steve Hall (Chair)
Councillor Donna Bellamy
Councillor Donald Firth
Councillor Carole Pattison
Councillor Andrew Pinnock
Councillor Terry Lyons
Councillor Graham Turner

When a Strategic Planning Committee member cannot be at the meeting another member can attend in their place from the list below:-

Substitutes Panel

Conservative

B Armer
D Hall
N Patrick
K Sims
J Taylor
G Wilson

Green

K Allison
A Cooper

Independent

C Greaves
T Lyons
Edgar Holroyd-
Doveton
C Greaves

Labour

E Firth
A U Pinnock
M Sokhal
S Ullah

Liberal Democrat

C Burke
J Lawson
A Marchington

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Committee

This is where Councillors who are attending as substitutes will say for whom they are attending.

2: Minutes of the Previous Meeting

1 - 16

To approve the Minutes of the meeting of the Committee held on 10th March 2016.

3: Interests and Lobbying

17 - 18

The Councillors will be asked to say if there are any items on the Agenda about which they might have been lobbied. The Councillors will be asked to say if there are any items on the Agenda in which they have disclosable pecuniary interests, which would prevent them from participating in any discussion of the items or participating in any vote upon the items, or any other interests.

4: Admission of the Public

Most debates take place in public. This only changes when there is a need to consider certain issues, for instance, commercially sensitive information or details concerning an individual. You will be told at this point whether there are any items on the Agenda which are to be discussed in private.

5: Deputations/Petitions

The Committee will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also hand in a petition at the meeting but that petition should relate to something on which the body has powers and responsibilities.

6: Public Question Time

The Committee will hear any questions from the general public.

7: Site Visit - Application 2016/90482

Formation of car park at Oakwell Business Centre, Dark Lane, Birstall

Estimated time of arrival at site: 10.10am

Contact: Sarah Longbottom, Planning Officer

Wards

Affected: Birstall and Birkenshaw

8: Site Visit - Application 2015/94112

Demolition of all existing buildings and erection of Class A1 Foodstore with associated parking, access, servicing and landscaping at Station Road, Mirfield

Estimated time of arrival at site: 10.50am

Contact: Neil Bearcroft, Planning Officer

Wards

Affected: Mirfield

9: Site Visit - Application 2015/93827

Demolition of existing buildings and erection of food retail unit (A1) with associated site works, parking, access and landscaping at former Kirklees College, Portland Street, Huddersfield

Estimated time of arrival at site: 11.30am

Contact: Bill Topping, Major Developments Officer

Wards

Affected: Newsome

10: Planning Applications

19 - 144

The Strategic Planning Committee will consider the attached schedule of Planning Applications.

Please note that any members of the public who wish to speak at the meeting must register to speak by 5.00pm (for phone requests) or 11.59pm (for email requests) no later than Monday 16th March. To pre-register, please contact andrea.woodside@kirklees.gov.uk or phone 01484 221000 (extension 74993).

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 10th March 2016

Present: Councillor Steve Hall (Chair)
Councillor Donna Bellamy
Councillor Donald Firth
Councillor Carole Pattison
Councillor Andrew Pinnock
Councillor Terry Lyons
Councillor Graham Turner

- 1 Membership of the Committee**
All Committee Members were present.
- 2 Minutes of the Previous Meeting**
Approved as a correct record.
- 3 Interests and Lobbying**
Councillor Bellamy declared an 'other' interest in application 2015/93824 on the grounds that she is a member of Holme Valley Parish Council.
- 4 Admission of the Public**
It was noted that exempt information had been submitted in relation to Application 2015/93824.
- 5 Deputations/Petitions**
No deputations or petitions were received.
- 6 Public Question Time**
No questions were asked.
- 7 Site Visit - Application 2016/90137**
Site visit undertaken.
- 8 Site Visit - Application 2015/93824**
Site visit undertaken.

9 Planning Applications

The Committee considered the schedule of Planning Applications. Under the provisions of Council Procedure Rule 37, the Committee heard representations from members of the public in respect of the following applications;

- (a) Application 2016/90137 – Planned demolition for erection of food store, formation of car parking and associated access, serving and landscaping, and outlined permission for erection of family pub/restaurant (within a Conservation area) at land at Cemetery Road/Mayman Lane, Batley – Shaun McGrath (applicant)
- (b) Application 2015/93824 – Outline application for erection of 56 dwellings and care home with associated car parking at Former Midlothian Garage, New Mill Road, Holmfirth – Rob Cooke (applicant) and Catherine Topliss (on behalf of the applicant)

Under the provisions of Council Procedure Rule 36(1) the Committee received a representation from Councillor K Sims in relation to Application 2015/93824.

RESOLVED - That the Applications under the Planning Act included in the list submitted for consideration by the Committee be determined as now indicated and that the schedule of decisions be circulated to Members.

10 Exclusion of the Public
Determined.

11 Application 2015/93824

The Committee noted the exempt information submitted in relation to Application 2015/93824 prior to the consideration of this item.

KIRKLEES COUNCIL
LIST OF PLANNING APPLICATIONS DECIDED BY
PLANNING SUB-COMMITTEE (STRATEGIC PLANNING COMMITTEE)
10 MARCH 2016

APPLICATION NO.**DESCRIPTION, LOCATION OF PROPOSAL AND DECISION**

2016/90137

Netto Ltd and Indigo Planning Ltd - Planning Permission for erection of foodstore, formation of car parking and associated access, servicing and landscaping; and Outline Permission for erection of family pub/restaurant (within a Conservation Area) - land at Cemetery Road/Mayman Lane, Batley

GRANT CONDITIONAL FULL PERMISSION (FOODSTORE, FORMATION OF CAR PARKING AND ASSOCIATED ACCESS, SERVICING AND LANDSCAPING) AND CONDITIONAL OUTLINE PLANNING PERMISSION (FAMILY PUB/RESTAURANT) SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS TO IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS WHICH MAY INCLUDE;

Conditions for Foodstore only:

(1) The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.

(2) The development hereby permitted shall be carried out in complete accordance with the approved plans and specifications as listed at the end of this decision notice except as may be required by other conditions.

(3) No development of the food store building hereby approved shall take place until details and samples of all facing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved materials and maintained as such.

(4) Notwithstanding the details shown on indicative plan number 15031(20) 01 rev F, the proposed development shall not be brought into use until the following works have been constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority:

(a) Design and construction specification of the site access with Mayman Lane, and

(b) Upgrade of bus stop 12147 Mayman Lane to a bus shelter and all associated highway works together with the appropriate Road Safety Audits.

(5) The Food Store development shall not be brought into use until a scheme detailing the surfacing and permeable drainage specification, lining and directional/informative signage for the Food Store parking (including the provision of 4 motorcycle parking spaces with suitable anchor points) and circulation areas has been submitted and approved in writing by the Local Planning Authority, and the approved works have been implemented.

APPLICATION NO.**DESCRIPTION, LOCATION OF PROPOSAL AND DECISION**

2016/90137 Cont'd

(6) The Food Store development shall not be brought into use until a scheme detailing a minimum of two car parking spaces reserved for use by Hybrid/Electric vehicles has been submitted and approved in writing by the Local Planning Authority, and the approved works have been implemented. The spaces shall be located in a convenient and visible location and provide fast charging points.

(7) The construction of the foodstore shall not commence until a scheme detailing the location and cross sectional information together with the proposed design, construction and stability of all the retaining walls adjacent to the proposed or existing public highway has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the food store development being brought into use.

(8) With reference to the to the Framework Discount Food Store Travel Plan ref: VN50546, within 3 months of the store opening a Full Food Store Travel Plan shall be submitted and approved in writing by the Local Planning Authority. The approved Full Food Store Travel Plan shall thereafter be implemented and the use of the development undertaken in accordance with the approved measures.

(9) Prior to development commencing a scheme detailing the following shall be submitted to and approved in writing by the Local Planning Authority:

- Intrusive site investigations/gas monitoring
- A report of findings arising from the intrusive investigations/gas monitoring
- Details of proposed remedial works/mitigation and a timetable for implementation of the works

The approved works shall thereafter be completed in accordance with the approved scheme.

(10) No development of the food store building hereby approved shall commence until a scheme restricting the rate of surface water discharge from the site to a maximum of 70% of the existing pre-development flow rate to the same outfall, has been submitted to and approved in writing by Local Planning Authority. As set out in the submitted FRA by Haigh Huddleston Associates, dated December 2015 Ref E13/5682/FR002, the drainage scheme shall be designed to attenuate flows generated by the critical 1 in 30 year storm event as a minimum requirement. Flows between the critical 1 in 30 or critical 1 in 100 year storm events shall be stored on site in areas to be approved in writing by the Local Planning Authority unless it can be demonstrated to the satisfaction of the Local Planning Authority that discharge from site does not cause an increased

APPLICATION NO.**DESCRIPTION, LOCATION OF PROPOSAL AND DECISION**

2016/90137 Cont'd

risk in flooding elsewhere. 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 throughout the lifetime of the development.

(11) The Food Store development shall not be brought into use until a scheme which indicates the hours of use of the operation of external artificial lighting has been submitted to and approved in writing by the Local Planning Authority. Thereafter the artificial lighting shall be operated in accordance with the approved scheme.

(12) Tonal reverse alarm shall not be used by vehicles on the site between the hours of 23:00 and 07:00 on any day.

(13) The development hereby approved shall be completed in accordance with the recommendations of the approved Contaminated Land report (ref: E14/5682/R003).

(14) Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 14, no works in the course of the erection of the building hereby approved shall commence until a Remediation Strategy has been submitted to and approved in writing by the local planning authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

(15) Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the local planning authority.

(16) In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning

APPLICATION NO.**DESCRIPTION, LOCATION OF PROPOSAL AND DECISION**

2016/90137 Cont'd

authority, works on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the local planning authority or (b) the local planning authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

(17) Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the local planning authority.

Conditions for Public House/restaurant only:

(18) Approval of the details of the appearance of the site, layout, scale and landscaping (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

(19) Plans and particulars of the reserved matters referred to in Condition 19 above, relating to the appearance, layout, scale and landscaping of the site shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

(20) Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

(21) The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or in the case of approval of different dates, the final approval of the last such matter to be approved.

(22) The public house/restaurant development shall not be brought into use until a scheme detailing a minimum of two car parking spaces reserved for use by Hybrid/Electric vehicles has been submitted and approved in writing by the Local Planning Authority, and the approved works have been implemented. The spaces shall be located in a convenient and visible location and provide fast charging points.

APPLICATION NO.

DESCRIPTION, LOCATION OF PROPOSAL AND DECISION

2016/90137 Cont'd

(23) The public house/restaurant development shall not be brought into use until a scheme which indicates the hours of use of the operation of external artificial lighting has been submitted to and approved in writing by the Local Planning Authority. Thereafter the artificial lighting shall be operated in accordance with the approved scheme.

(24) The rating level of noise from fixed plant installed at the family pub shall not exceed 5dB below the background noise level when assessed at any nearby noise sensitive premises. The rating level and background levels shall be assessed in accordance with BS 4142: 2014.

(25) Notwithstanding the details shown on indicative plan number 15031(20) 01 rev F, the public house/restaurant development shall not be brought into use until the following works have been constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority:

(a) Upgrade of bus stop 13045 Blakeridge Lane to a bus shelter and all associated highway works together with the appropriate Road Safety Audits.

(26) The development shall be carried out in complete accordance with the details shown on the submitted drawing no. 5682_43a (initial issue) dated November 2015.

A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS;

FOR: Councillors Bellamy, D Firth, S Hall, Pattison, A Pinnock, Lyons and G Turner (7 Votes)

AGAINST: (0 Votes)

2015/93824

Rob Cooke, Prospect Estates Ltd - Outline application for erection of 56 dwellings and care home with associated car parking - Former Midlothian Garage, New Mill Road, Holmfirth

CONDITIONAL OUTLINE APPROVAL SUBJECT TO DELEGATION TO OFFICERS:

CONDITIONAL OUTLINE PLANNING PERMISSION SUBJECT TO DELEGATION OF AUTHORITY TO OFFICERS TO:

- (i) Secure a S106 obligation for the provision of affordable housing and public open space as part of the development
- (ii) Consider an amended Flood Risk Assessment and indicative drainage layout and if appropriate add conditions
- (iii) Impose all necessary and reasonable conditions and

APPLICATION NO.**DESCRIPTION, LOCATION OF PROPOSAL AND DECISION**

2015/93824 Cont'd

(iv) Subject to there being no material change in circumstances, issue the decision

(1) Approval of the details of the layout, scale, appearance and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

(2) Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the layout, scale, appearance, and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

(3) Application for approval of any reserved matter shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

(4) The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

(5) No development shall take place until full details of the junctions and associated highway works on New Mill Road have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the works to provide the junctions have been completed in accordance with the approved plans.

(6) The buildings shall not be occupied until sightlines of 2.4 metres x 58 metres at the care home entrance and 2.4 metres x 50.7 metres at the residential access have been cleared of all obstructions to visibility exceeding 1 m in height above the level of the adjacent carriageway and these shall be retained free of any such obstruction throughout the lifetime of the development.

(7) No part of the development shall be brought into use until the redundant vehicle crossing points from New Mill Road has been permanently closed and the footway reinstated and until the new access has been constructed and brought into use in accordance with details that have previously been approved in writing by the Local Planning Authority.

(8) No development shall take place until a scheme detailing the proposed internal adoptable estate roads have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit covering all aspects of work. Before any building is brought into use the

APPLICATION NO.

2015/93824 Cont'd

DESCRIPTION, LOCATION OF PROPOSAL AND DECISION

scheme shall be completed in accordance with the scheme shown on approved plans and retained thereafter.

(9) The development shall not be brought into use until a detailed drawing of the car park facilities for the approved development have been submitted and approved in writing by the Local Planning Authority. The approved car parks shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the development.

(10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that order) any gates or barriers across the access to the care home car park shall be set back 5 metres from the back of the adopted footway and shall be hung as to only open inwards. So long as such gates or barriers are in position they shall be retained to only open inwards.

(11) No development shall take place until details of storage and access for collection of wastes from the premises shall be submitted to and approved in writing by the Local Planning Authority. The works comprising the approved details shall be provided before the development is occupied and shall be so retained thereafter free of obstructions and available for storage throughout the lifetime of the development.

(12) Development shall not commence until a scheme detailing measures to prevent mud and debris being brought from the site onto the public highway during construction works has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented throughout the construction period.

(13) As further intrusive investigation has been recommended in the Eastwood and Partners Reports dated 1/12/15 and 7/3/16, development shall not commence until a further Phase 2 Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority. The report should provide details of all the rounds of gas monitoring and the mitigation works proposed. The mitigation works approved shall be implemented before any dwelling to which they relate is occupied and shall thereafter be retained for the lifetime of the development.

(14) Development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the local planning authority. The Remediation Strategy shall include

APPLICATION NO.**DESCRIPTION, LOCATION OF PROPOSAL AND DECISION**

2015/93824 Cont'd

a timetable for the implementation and completion of the approved remediation measures.

(15) Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 14. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the local planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

(16) Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the local planning authority.

(17) Before the development of the Care Home commences a scheme which indicates the measures to be taken for the control of any glare or stray light arising from the operation of artificial lighting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the artificial lighting shall be operated in accordance with the approved scheme.

(18) Before development of the Care Home commences, full details of any external plant (including location and expected noise levels) to be installed, shall be submitted to and approved in writing by the Local Planning Authority. Any external plant shall be installed as agreed and thereafter maintained in accordance with the manufacturer's recommendations.

(19) Before development of the Care Home commences, a scheme detailing arrangements for the servicing of the Care Home, including arrangements for and hours of deliveries and despatches shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the scheme agreed.

APPLICATION NO. DESCRIPTION, LOCATION OF PROPOSAL AND DECISION

2015/93824 Cont'd

(20) Prior to the occupation of any dwellings that may be approved under a Reserved Matters proposal electric vehicle recharging points shall be installed for each dwelling with a garage and/or 1 point for every 10 dwellings with communal car parking. Cable and circuitry ratings shall be of an adequate size to ensure a minimum of 16 amps and a maximum of 32 amps.

A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS;

FOR: Councillors S Hall, Lyons, Pattison, A Pinnock and G Turner (5 Votes)

AGAINST: Councillors Bellamy and D Firth (2 Votes)

2015/93825

Peter Evans, Citivale - Change of Use from existing warehouse to a flexible employment use comprising light industrial, general industrial and/or warehousing (Classes B1c, B2 and/or B8) - Unit 27, Oakwell Way, Birstall, Batley

CONDITIONAL FULL PERMISSION

(1) The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.

(2) The development hereby permitted shall be carried out in complete accordance with the plans and specifications listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

(3) No B1C or B2 use on the site shall be brought into use until a Travel Plan for the site has been submitted and approved in writing by the Local Planning Authority. The full Travel Plan shall include;

- * Measures, objectives and targets for reduced car use and increased non-car transport usage, including modal split targets
 - * The provision of a Travel Plan Coordinator, including roles responsibilities and annual monitoring
 - * The provision of travel information
 - * Implementation and review of timescales
 - * Enforcement, sanctions and corrective/review mechanisms.
- The measures contained within the Travel Plan shall be implemented in accordance with the approved timescales, except where monitoring evidence demonstrates that a revised timescale/measure to achieve trip targets are necessary, in which case the revised details would be implemented

A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS;

APPLICATION NO.	DESCRIPTION, LOCATION OF PROPOSAL AND DECISION
2015/93825 Cont'd	<p>FOR: Councillors Bellamy, D Firth, S Hall, Pattison, A Pinnock, Lyons and G Turner (7 Votes)</p> <p>AGAINST: (0 Votes)</p>
2015/93977	<p>Ogden Properties Limited - Engineering works for the stockpile of surplus topsoil from a nearby development site and re-profiling of site - Centre 27, land at, Bankwood Way, Birstall, Batley</p> <p>CONDITIONAL FULL PERMISSION</p> <p>(1) The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.</p> <p>(2) The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice except as may be required by other conditions attached to this permission, which in all cases shall take precedence.</p> <p>(2) Only clean excavation soils shall be deposited on the application site and following re-grading shall not exceed the levels indicated on drawing number C1003</p> <p>(3) No excavation soils shall be deposited on the application site other than from those derived from the area outlined blue on drawing number 00-010.</p> <p>(4) No development shall commence until details of the method for the protection and maintenance of existing landfill gas monitoring vents within the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented during the development of the site.</p> <p>(5) In the event that contamination not previously identified by the developer prior to the grant of planning permission is encountered during the development, all works on site (save for the investigation works) shall cease immediately and the local planning Authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing by the Local Planning Authority, works shall not commence until either (a) a Remediation Strategy has been submitted and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.</p>

APPLICATION NO.

2015/93977 Cont'd

DESCRIPTION, LOCATION OF PROPOSAL AND DECISION

(6) No development shall commence until a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for traffic associated with the development, details of the times of use of the access, the routing of such traffic to and from the site, workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. The development shall be carried out in accordance with the approved schedule throughout the period of tipping, re-grading and site restoration.

(7) Following the completion of tipping and re-grading operations the site shall be seeded and planted in accordance with a scheme which has received the prior written approval of the Local planning Authority. The approved scheme shall be implemented within the first available planting season.

(8) During tipping, re-grading and restoration, site operations shall at all times be carried out in accordance with the following dust suppression measures:

- * All lorries delivering waste to the site shall be sheeted
- * Surfaces used by vehicles on site shall be damped down as required during dry weather conditions.
- * The surface of filling areas shall be damped down as required during dry weather conditions
- * Site operations shall be suspended in extreme windy conditions

Note: It is the applicant's responsibility to find out whether the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting a highway and any retaining structures. Contact Farhad Khatibi Highways Structures Section on Tel No. 01484-221000 who can advise further on this matter.

Note: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

APPLICATION NO.

2015/93977 Cont'd

DESCRIPTION, LOCATION OF PROPOSAL AND DECISION

Note: The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:
<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from:
www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:
www.gov.uk/coalauthority

Note: The Environment Agency has advised that you should:

- (1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- (2) Refer to the Environment Agency Guiding Principles for Land Contamination for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
- (3) Refer to our guiding principles on groundwater protection are set out in our document GP3 - Groundwater Protection Policy and Practice, which is intended to be used by anyone interested in groundwater and particularly those proposing an activity which may impact groundwater.

APPLICATION NO.

DESCRIPTION, LOCATION OF PROPOSAL AND DECISION

2015/93977 Cont'd

GP3 is available on our website at: <http://www.environment-agency.gov.uk/research/library/publications/40741.aspx>

(4) Refer to our website at; www.environment-agency.gov.uk for more information

A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS;

FOR: Councillors Bellamy, D Firth, S Hall, Pattison, A Pinnock, Lyons and G Turner (7 Votes)

AGAINST: (0 Votes)

KIRKLEES COUNCIL			
DECLARATION OF INTERESTS AND LOBBYING			
Strategic Planning Committee			
Name of Councillor			
Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest

LOBBYING

Date	Application/Page No.	Lobbied By (Name of person)	Applicant	Objector	Supporter	Action taken / Advice given

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

(a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
(b) either -

- the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
- if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Lobbying

If you are approached by any Member of the public in respect of an application on the agenda you must declare that you have been lobbied. A declaration of lobbying does not affect your ability to participate in the consideration or determination of the application.

KIRKLEES COUNCIL

PLANNING SERVICE

LIST OF PLANNING APPLICATIONS TO BE DECIDED BY

STRATEGIC PLANNING COMMITTEE

19-May-2016

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
BACKGROUND PAPERS**

**There is a file for each planning application containing
application forms, plans and background papers.**

Simon Taylor - 01484 221000

**NOTE: For clarification the page numbering referred to
shall be those set out in the contents page**

In respect of the consideration of all the planning applications on this Agenda the following information applies;

PLANNING POLICY

The statutory development plan comprises:

The Unitary Development Plan (UDP). These reports will refer only to those policies of the UDP 'saved' under the direction of the Secretary of State beyond September 2007.

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The Local Plan will provide the evidence base for all new and retained allocations including POL. The Local Plan process will assess whether sites should be allocated for development or protected from development including whether there are exceptional circumstances to return POL sites back to Green Belt. The Local Plan process is underway and the public consultation on the draft local plan took place between 9th November 2015 and 1st February 2016.

Annex 1 of the National Planning Policy Framework explains how weight may be given to policies in emerging plans. At this point in time, the draft local plan policies and proposals are not considered to be at a sufficiently advanced stage to carry weight in decision making for individual planning applications. The Local Planning Authority must therefore rely on existing policies (saved) in the UDP, national planning policy and guidance.

National Policy/Guidelines

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, the Planning Practice Guidance Suite (PPGS) launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

REPRESENTATIONS

Cabinet agreed the Development Management Charter in July 2015. This sets out how people and organisations will be enabled and encouraged to be involved in the development management process relating to planning applications.

The applications have been publicised by way of press notice, site notice and neighbour letters (as appropriate) in accordance with the Development Management Charter and in full accordance with the requirements of regulation, statute and national guidance.

EQUALITY ISSUES

The Council has a general duty under section 149 Equality Act 2010 to have due regard to eliminating conduct that is prohibited by the Act, advancing equality of opportunity and fostering good relations between people who share a protected characteristic and people who do not share that characteristic. The relevant protected characteristics are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- religion or belief;
- sex;
- sexual orientation.

HUMAN RIGHTS

The Council has had regard to the Human Rights Act 1998, and in particular:-

- Article 8 – Right to respect for private and family life.
- Article 1 of the First Protocol – Right to peaceful enjoyment of property and possessions.

The Council considers that the recommendations within the reports are in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

PLANNING CONDITIONS AND OBLIGATIONS

Paragraph 203 of The National Planning Policy Framework (NPPF) requires that Local Planning Authorities consider whether otherwise unacceptable development could be made acceptable through the use of planning condition or obligations,

The Community Infrastructure Levy Regulations 2010 stipulates that planning obligations (also known as section 106 agreements – of the Town and Country Planning Act 1990) should only be sought where they meet all of the following tests.

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The National Planning Policy Framework and further guidance in the PPGS launched on 6th March 2014 require that planning conditions should only be imposed where they meet a series of key tests; these are in summary:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects.

Recommendations made with respect to the applications brought before the Planning sub-committee have been made in accordance with the above requirements.

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Location: Holme Valley Camping and Caravan Park, Woodhead Road, Thongsbridge, Holmfirth, HD9 7TD	
Ward: Holme Valley North Ward	
Applicant: Philip Peaker	
Agent:	
Target Date: 25-May-2016	
Recommendation: FC - CONDITIONAL FULL PERMISSION	
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Type of application: 62m - FULL APPLICATION	
Proposal: Demolition of all existing buildings and erection of Class A1 food store with associated parking, access, servicing and landscaping	
Location: former works, Station Road, Mirfield, WF14 8PT	
Ward: Mirfield Ward	
Applicant: Lidl UK Gmbh Ltd & SJS (3) Ltd	
Agent: Nick Hardy, Bilfinger GVA	
Target Date: 18-Apr-2016	
Recommendation: ASD-CONDITIONAL FULL APPROVAL SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS	
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Location: Oakwell Business Centre, Dark Lane, Birstall, Batley, WF17 9LW	
Ward: Birstall and Birkenshaw Ward	
Applicant: J Chapman, Eshton C/O Agent	
Agent: Tom Cook, ID Planning	
Target Date: 20-Apr-2016	
Recommendation: ASD-CONDITIONAL FULL APPROVAL SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS	
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Type of application: 62m - FULL APPLICATION	
Proposal: Demolition of existing buildings and erection of food retail unit (A1) with associated site works, parking, access and landscaping	
Location: Former Kirklees College, Portland Street, Huddersfield, HD1	
Ward: Newsome Ward	
Applicant: M Sexton Wiggett Construction/Kirklees College, Lidl (UK) GmbH, c/o agent	
Agent: Bill Davidson, P4 Planning Ltd	
Target Date: 02-Mar-2016	
Recommendation: ASD-CONDITIONAL FULL APPROVAL SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS	

Application No: 2015/93898.....	80
Type of application: 60m - OUTLINE APPLICATION	
Proposal: Outline application for erection of restaurant, retail outlet and hotel	
Location: Owl Lane, Shaw Cross, Dewsbury, WF12 7QJ	
Ward: Dewsbury East Ward	
Applicant: Peter Wade Consultancy	
Agent:	
Target Date: 17-Mar-2016	
Recommendation: RF1 - REFUSAL	
Application No: 2016/90956.....	89
Type of application: 60 - OUTLINE APPLICATION	
Proposal: Outline application for erection of 3 detached dwellings with associated access	
Location: Land at Abbey Road North, Shepley, Huddersfield, HD8 8DY	
Ward: Kirkburton Ward	
Applicant: Alcuin Homes (Yorkshire) Ltd	
Agent:	
Target Date: 17-May-2016	
Recommendation: OASD - CONDITIONAL OUTLINE APPROVAL SUBJECT TO DELEGATION TO OFFICERS	
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Type of application: 62 - FULL APPLICATION	
Proposal: Alterations to and change of use of existing garage workshop building to waste transfer station building	
Location: Low Mills, Low Mill Lane, Ravensthorpe, Dewsbury, WF13 3LX	
Ward: Dewsbury West Ward	
Applicant: Mike Harty, Biffa Waste Services Ltd.	
Agent:	
Target Date: 26-May-2016	
Recommendation: ASD-CONDITIONAL FULL APPROVAL SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS	

Application No: 2015/93803

Type of application: 62 - FULL APPLICATION

Proposal: Change of use of land to form extension to area for camping and motorhome use

Location: Holme Valley Camping and Caravan Park, Woodhead Road, Thongsbridge, Holmfirth, HD9 7TD

Grid Ref: 415308.0 410355.0

Ward: Holme Valley North Ward

Applicant: Philip Peaker

Agent:

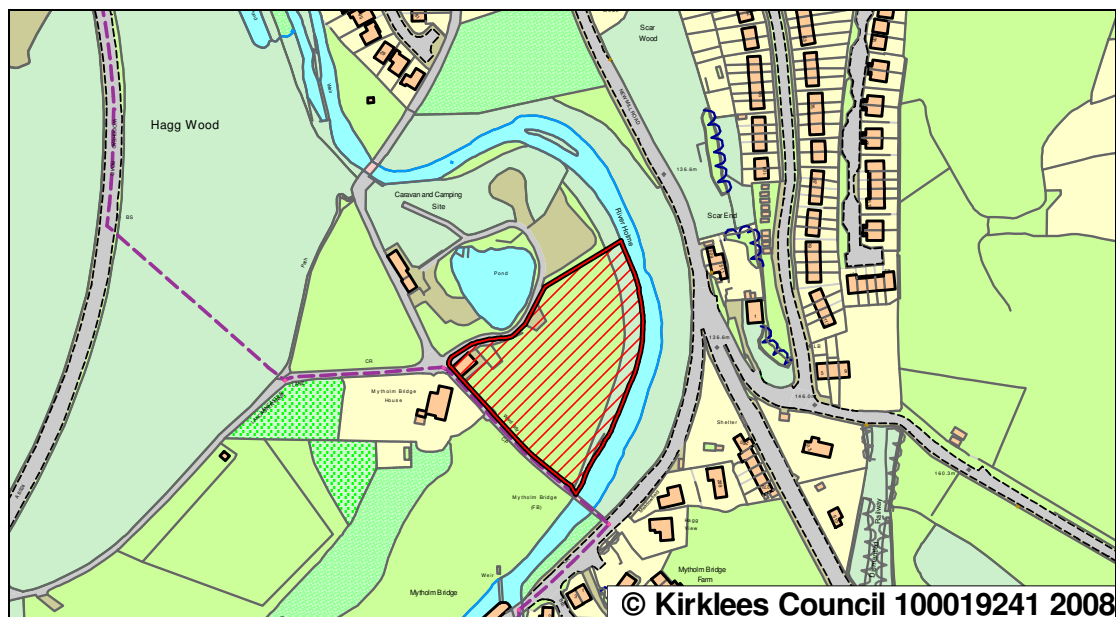
Target Date: 25-May-2016

Recommendation: FC - CONDITIONAL FULL PERMISSION

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY OF APPLICATION

Application Details		
Type of Development	Change of Use	
Scale of Development	0.8Ha	
No. Jobs Created or Retained	7 retained 1 potentially created.	
Policy		
Unitary Development Plan	Green Belt	
Independent Viability Required	No	
Representation/Consultation		
Individual Support (No.)	35	
Individual Objection (No.)	7 against	
Petition	N/a	
Ward Member Interest	N/a	
Statutory Consultee Objections	Yes	Environment Agency Flood Management and Drainage
Contributions		
• Affordable Housing	N/a	
• Education	N/a	
• Public Open Space	N/a	
• Other	N/a	
Other Issues		
Any Council Interest?	No	
Planning Pre-application advice?	No	
Pre-App Consultation Undertaken?	No	
Comment on Application	The wider sustainability benefits are considered to outweigh the flood risk.	

RECOMMENDATION: GRANT CONDITIONAL FULL PLANNING PERMISSION

The application seeks the change of use of land to form an extension to the area for camping use by way of tents and motorhomes at the Holme Valley Camping and Caravan Park, between Easter and the end of October each year. The application site is located within an area of functional floodplain (Zone 3b) and application does not accord within national planning policy and guidance on flood risk.

The proposal is however on balance considered to be acceptable and the wider sustainability benefits are considered to outweigh the flood risk. Acceptable measures would be put in place to protect the safety of users and surrounding properties should a flooding instance occur. The proposal is considered to have an acceptable impact on the Green Belt, highway safety and local amenity.

2. INFORMATION

The application is brought before the Strategic Planning Committee in accordance with the Councils scheme of delegated authority as the proposal represents non-residential development with a site area of over 0.5ha.

In total 44 representations have been received, details of which are set out below.

3. PROPOSAL/SITE DESCRIPTION

Site

The application site forms a grassed field at the Holme Valley Camping and Caravan Park which is 0.82 hectares in size. Vehicle access to the site is via Lancaster Lane which leads from Woodhead Road (A6024) which is located to the south west.

The field is located adjacent to the River Holme which runs along the eastern boundary. The main caravan and camping site is located to the north and west, with a recently constructed amenities block located in the eastern corner of the application site. There are a number of mature trees along or adjacent each boundary. The site is relatively flat with access from the main camp site via gates. A public footpath runs along the south western edge which provides pedestrian connection via a bridge to Luke Lane to the south east.

Proposal

The proposal seeks the change of use of land to form an extension to the area for camping and motorhome use at the Holme Valley Camping and Caravan Park.

The proposal seeks permission to use the field the purposes of camping by means of tents or motor homes between Easter and 31st October in any given year with a maximum number of 35 pitches.

No works are proposed to the field itself.

4. BACKGROUND AND HISTORY

2013/92375 - use of land for camping/caravanning - Withdrawn

2010/92221 - Erection of two storey check-in/reception & amenity block - Approved

5. PLANNING POLICY

The site is allocated as Green Belt on the Kirklees UDP Proposal Plan.

Kirklees Unitary Development Plan

- **BE1** – Design principles
- **BE2** – Quality of design
- **EP4** – Noise Sensitive Development
- **EP6** – Development and Noise
- **T10** – Highway Safety
- **NE5** – Wildlife Corridor
- **R13** – Public Rights of Way
- **R18** – Sites adjacent to Canals and Rivers

National Planning Policy Framework (NPPF)

- **NPPF1**: Building a strong competitive economy
- **NPPF3**: Supporting a prosperous rural economy
- **NPPF7**: Requiring good design
- **NPPF9**: Protecting Green Belt land
- **NPPF10**: Meeting the challenge of climate change, flooding and coastal change
- **NPPF11**: Conserving and enhancing the natural environment

6. CONSULTATIONS

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- **KC Highways DM** – No objections
- **KC Environmental Services** – No objections
- **KC Business & Economy/Regeneration** – No objections
- **KC Flood Management and Drainage** – Objects, proposal does not accord with national planning policy
- **Environment Agency** – Objects, proposal does not accord with national planning policy

7. REPRESENTATIONS

Initial publicity on the application expired on: 8 January 2016.

In total 44 representations have been received, of which 7 are against, 2 make general comments and 35 are in support.

Cllr Greaves and Cllr Holroyd-Doveton have stated that they are supportive of the proposal as ward members.

A summary of the representations are set out below.

Against:

- There are residential properties within 50 metres of the application site along Luke Lane. The use of the proposed field is currently harmful to local amenity where noise, smoke and smells from bbq's etc can occur early in the morning until late at night, and the site is not well screened to adjacent properties. Any extension of use of this field beyond what is currently allowed would be detrimental to local amenity.
- The river forms a wildlife corridor and there is an unaccepted use of the river bank and river by campers. The proposal would therefore be detrimental to local wildlife
- There are existing fields and facilities at the site which can accommodate sufficient visitors.
- There is concern that the proposed field would lead to residential caravans which would be detrimental to local amenity over an extended period.
- The proposal would lead to a substantial increase in traffic along Lancaster Lane which is substandard in terms of its design is not fully surfaced, is a single width and a public right of way runs along its length.
- The existing pedestrian bridge is also utilised for dropping visitors off to the campsite with vehicles including coaches parking on Luke Lane. The use of the pedestrian access in this way is detrimental to highway safety.
- The application site is located in an area of flood risk and there are more frequent instances of extreme weather conditions. The proposed site should therefore not be used for camping and the withdrawn application in 2013 had objections from the Environment Agency.

Support

- The campsite provides a valuable income to the local economy and is a significant contributor to visitors to Holmfirth and the wider area and helps to support a number of surrounding shops and pubs.
- The campsite provides a good camping facility and allows families and children to experience the local countryside in a nice pleasant environment.
- The use of the application site is not considered to have a detrimental impact on local amenity or a material impact on highway safety.
- Due to the current restriction on the field it is difficult to visit as often as one would like. If available throughout the summer stays would be longer and more frequent.
- The current camping field is difficult to use when setting up tents and cooking equipment and far from ideal, existing the field is also difficult via car after heavy rain. It is also inaccessible for those with disabilities.

The bottom field provides a much nicer campsite and easier to get on and off and provides disabled access.

- The park has continued to invest and improve facilities at the park over recent years, and the provision of more camping space would continue this improvement.
- It appears illogical that the application site can only be used for 28 days per year or caravan rallies, but not for extended further use.
- The timeframe of operation between Easter and October means its use would occur in times when flooding is less likely to occur.

Holme Valley Parish Council – No objections

8. ASSESSMENT

Principle:

The application site is located within the Green Belt and also forms part of the functional flood plain (zone 3b) on Kirklees Strategic Flood Risk Assessment (SFRA). The principle areas of consideration are the impact of the proposal in relation to flood risk, the impact on the Green Belt, highway safety, amenity, and all other material considerations.

Background – Current Usage

The application site forms part of a well-established camping and caravan park which has been operational since 1986. The park can currently accommodate 105 tents and 50 caravans (with licence for up to 62 caravans). The site is broadly divided into three elements, an area for caravans and motorhomes to the north of the site, a triangular field to the west used for camping by tents and motorhomes, and fields to the east and south which are used on a temporary basis for camping. A new amenity block was opened in April 2014 which provides enhances visitor facilities and was approved under application (2010/92221).

The application site is currently used for camping for 28 days each year under permitted development rights, granted by way of Class B, Part 4, of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. The site is also used by the caravan club for a maximum of five pitches under separate exemption, there is no restriction on the number of times that this can occur within the year.

An application for the change of use was original submitted in 2013, but was withdrawn by the applicant after objections were received from Environment Agency and Flood Management and Drainage to the application. The current application seeks to address the points which were previously raised.

Flood Risk:

The application site is located in flood zone 3b, the functional floodplain as set out in the Kirklees Strategic Flood Risk Assessment (SFRA). The application

has therefore been assessed by the Environment Agency and the Councils Flood Management and Drainage Team, and in relation to policies set out in the NPPF and guidance in the NPPG. To support the application the applicant has submitted a site specific flood risk assessment, including evacuation plan, sequential test, and additional information to support the proposal and to meet the requirements of the exceptions test.

The NPPG provides guidance on flooding matters and defines the different types of flood zones, and the type of uses which are appropriate within each zone. Flood Zone 3b is defined in Table 1 of the NPPG as land where *water has to flow or be stored at times of flood*. The proposed camping use is defined under Table 2 of the NPPG as being 'more vulnerable.' Table 3 details where different types of uses are appropriate or inappropriate.

Table 3 advises that development types classified as 'more vulnerable' located in flood zone 3b should not be permitted. Only water-compatible uses and essential infrastructure as listed in table 2 of the NPPG should be permitted in this zone.

On the basis of the above, the proposal is contrary to national planning policy as set out in the NPPF. The Environment Agency and the Councils Flood Management Officer have therefore advised that the proposal should be refused on policy grounds.

However, the Environment Agency have highlighted in their comments that in some circumstances, a Local Planning Authority (LPA) may be aware of relevant material planning considerations that could be weighed against the policy principle that this type of development is unacceptable in Flood Zone 3b. Should this be the case, the LPA need also to be mindful of the requirements of the NPPF in relation to the Flood Risk Sequential and Exception Tests for all proposals that are contrary to national planning policy and guidance.

Paragraph 101 of the NPPF requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a 'Sequential Test'. The Exception Test should be applied only after the Sequential Test has been applied. If the Sequential Test demonstrates that there are 'Reasonably Available' lower risk sites to which the development could be steered, the Exception Test should not be applied and the application should be refused.

Paragraph 102 of the National Planning Policy Framework (NPPF) makes clear that both elements of the Exception Test must be passed for development to be permitted. Part 2 of the Test requires the applicant to demonstrate in a site specific flood risk assessment that the development will be safe, without increasing flood risk elsewhere and where possible will reduce flood risk elsewhere.

Sequential Test

Whilst the proposal is contrary to national planning policy set out in the NPPF and NPPG the applicant has submitted a sequential assessment. Paragraph 101 of the NPPF states that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding.

The applicant has assessed all available land within their ownership and has detailed the requirements for a field to be viable for operation as a camping field. The applicant has not considered land outside of their ownership, as any other site would be remote from the existing operation and would not benefit from the infrastructure required to make such an operation viable. Such infrastructure includes an amenities block (shower and toilet facilities), shop, onsite staff support/security, booking office etc. This approach is accepted by Planning Officers and the area of search identified by the applicant is accepted.

The sites identified by the applicant include the application site, an adjacent field also located within flood zone 3b and a field detached from the main park located off Lancaster Lane known as the 'Horse Field'. The Horse Field is located within Flood Zone 1 and represents a sequentially preferable site to the application site in flood risk terms. The applicant however does not consider that this field is viable for camping and has provided additional information to justify this approach. The applicant has stated the following:

- The field is boggy in several areas, natural springs occur across the site and soil is very clay based. Draining the site is not considered viable as it could displace water to other parts of the local area and the applicant does not consider that it could be sufficiently drained to be viable for camping.
- The field has a slope which many campers refuse to use and which is an issue which is experienced currently with the existing camping field.
- The field would be exposed to a reasonable amount of noise from the A6024 which would be unpleasant for campers, and is not in keeping with the quiet family park that applicant markets itself as.
- Customers need to be close to the amenities block as many guests need to use the amenities during the night. The horse field is located a minimum of 150 metres away from the existing amenities block down Lancaster Lane. It is the experience of the park that people will choose another option in such circumstances which is not good for the environment or other campers.
- The Horse Field was used during the Grand Depart for the Tour de France when the field was used by 25 tents. However the operational use of the field was problematic as card payments could not be accepted given its detached position away from the check in office, even though most visitors pay by card. A temporary check in facility

had to be provided. A permanent facility would need to be provided to make the field workable.

- To use the Horse Field with the existing check in facilities would cause internal congestions within the park as cars would need to drive down Lancaster Lane to check in before driving back up, which is difficult on Friday evenings in the summer when cars can often queue to check in. There is no simple way to enlarge Lancaster Lane as it is bordered by a protected woodland to the north and a large long stone wall to the south.
- The detached nature of the site means that it is located away from a water supply, the field has to be locked to prevent use by people who have not paid, and the tents would be less secure.
- The operation of the park would also be more difficult as the rules of the park would be less easy to enforce such as preventing the lighting of fires, or other anti-social behaviour.
- The horse field would be less accessible for disabled users given its detached location from the amenities block which does include disabled facilities.

The above additional information has been assessed by Planning Officers as a whole. It is accepted that to use the horse field for camping is not desirable and to resolve a number of issues with the site would require substantial additional investment and require additional structures/facilities to be provided, which would impact upon the Green Belt. Even with all the additional work there would remain certain operational difficulties with the site, and parts of the field could still be unattractive to users. It is therefore accepted that the horse field whilst located within Flood Zone 1 does not represent a viable alternative site for camping and it is therefore not possible to locate the use proposed in an area with lower probability of flooding. The sequential test has therefore been satisfied.

Exceptions Test

Whilst the Sequential Test has been passed the requirements of the Exceptions Test also need to be considered. The applicant has provided additional information in order to seek to meet the requirements of the Exceptions Test set out in paragraph 102 of the NPPF. The Exceptions Test forms two parts which must both be passed, the requirements are set out below:

1. *it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and*
2. *a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the*

vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Part 1 – Wider sustainability benefits to the community that outweigh flood risk

To meet the above requirement the applicant has provided a range of additional information in respect of the application site, the economic, social and environmental benefits the proposal would provide, to demonstrate that the proposal would meet the three dimensions of sustainable development set out in paragraph 7 of the NPPF.

The applicant has stated that the following in relation to the application field:

- The field has never flooded in the 28 years that the park has operated, and records indicated that it has only flooded on two occasions previously, once in 1852 when Bilberry Reservoir burst its banks, and 1944 when bales of wool were washed down river and blocked the bridge, this led to new river defences in the local area which are still maintained today.
- The field is dry and firm from Easter to October. It is flat with easy access for vehicles even if there is rain, and is accessible for disabled users, who can also access the disabled facilities in the amenities block.
- Noise at the field is low like the existing parts of the campsite, and the field has good security and overlooking from other parts of the site, and is within close proximity to the check in office, existing amenity facilities, shop and easy to manage by staff in conjunction with other facilities.
- The location of the field adjacent to the river is an attraction in itself to visitors, who prefer to camp adjacent the river on a flat site, with substantial support for its continuing use posted on social media and by comments submitted on the planning application.

In terms of economic benefit, the applicant has detailed that Kirklees estimates that the existing camping and caravan park contributes £1.5 million of secondary spend into the local economy. It is estimated that the use of application site between Easter and October without restriction would generate an additional secondary spend of £150,000 to £310,000. The applicant has provided additional evidence to support the above and provided detailed calculations of evidence of visitor numbers to justify the claims made.

The applicant has detailed that camping at the park has increased by approximately 50% after the provision of the new amenities block and improved marketing, and additional space is required to meet this demand. The applicant has also detailed that the provision of additional camping space without restriction is important for the long term economic viability of the business after investing heavily in the new amenities block. Additional space

will aid in ensuring that existing jobs are protected. and lead to the potential for additional job opportunities in the summer. The applicant has highlighted that the application would also support the one of objectives of the Kirklees Leisure Tourism Strategy to 2020 which seeks to increase camping and caravan facilities within the Holme Valley.

In terms of social impact, the applicant has highlighted various social and wellbeing benefits provided by camping from surveys by camping and caravanning bodies. They also detail that camping is one of the most affordable ways to holiday, and makes being able to holiday viable for many families in the UK.

Turning to environmental impact, the applicant has highlighted that camping and holidaying in the UK has a low carbon footprint when compared to holidaying abroad. The applicant has detailed that much environmental maintenance work is carried out across the camp site and wider area which they own, and the park has been award a David Bellamy gold conservation award for its green credentials. The park work to increase local biodiversity, and reduce its impact on the environment with use of recycling schemes and biomass heating for the amenities block.

The applicant has detailed that there is support from the Tourism section of the Council, Welcome to Yorkshire, Holmfirth Parish Council and other local organisations, and a number of representations in support have been submitted with the application.

The applicant has also provided a number of examples and policy interpretation of flood risk from other parts of the country when similar types of applications have been granted. These examples are however not considered to have weight in the determination of this application, as specific details of each case are not known.

Assessment of Part 1 Exception Evidence

All of the above information has been taken as a whole, and assessed in detail by Planning Officers. It is noted that the application site has itself not flooded in the 28 years that the Park has operated. It is acknowledged that the park provides important tourism facilities for the Holme Valley and the wider Kirklees District, and the park provides a valuable economic benefit to the Holme Valley. It is also accepted that the park brings in significant secondary spend and this would be significantly increased by the proposal.

It is accepted that the proposal would support the requirements of paragraph 28 of the NPPF in relation to supporting sustainable rural tourism, and provide support for the expansion of an existing well established tourist facility. As well as helping to provide opportunities for promoting healthy communities, a requirement of Chapter 8 of the NPPF by providing affordable opportunities to holiday in the UK.

This economic and tourism benefit of the proposal has been supported by the Business and Economy section of the Council, and these benefits would support the delivery elements of the Kirklees Leisure and Tourism Strategy, which forms part of the Kirklees Economic Strategy.

In light of all of the above factors it is concluded that on careful consideration and balance, that the proposal provides wider sustainability benefits to the local community, which outweigh the flood risk at the site. The first part of the exceptions test is therefore passed.

Part 2 - a site-specific flood risk assessment

In relation to Part 2 of the Exceptions Test the applicant has provided a site specific flood risk assessment including evacuation plan which has been assessed by the Environment Agency.

The Environment Agency has assessed the submitted Flood Risk Assessment and evacuation plan, and have accepted the details provided, subject to a condition requiring the camping field to operate in accordance with the submitted details.

The evacuation plan was also tested in early March with staff at the campsite, West Yorkshire Fire and Rescue Service and the Environment Agency with various different scenarios considered. The evacuation plan was updated based on feedback provided and the updated plan has been submitted with the application.

To further reduce flood risk at the site the applicant has also agreed to a condition limiting camping operations at the site to solely tents and motorhomes to ensure that caravans are not left on the site unattended. That the number of pitches is restricted to 35 to ensure that the field is not densely used, and that the use is only permitted between Easter and the end of October in any given year, leaving a window in winter months where the water table is at its highest to function as a flood plain if and when necessary.

Conclusion on Flood Risk

In conclusion in light of all of the above factors, the proposal whilst contrary to national planning policy and guidance on flood risk set out in the NPPF and NPPG, is on balance considered to be acceptable. The proposal is considered to provide wider sustainability benefits which are considered to outweigh the flood risk, and acceptable measures would be put in place to protect the safety of users, and surrounding properties should a flooding instance occur.

Green Belt:

The application site is located within an area of defined Green Belt and Policies set out in chapter 9 of the NPPF therefore need to be considered. The proposal does not seek the erection of any new buildings, or any additional works, and solely seeks the change of use of the land. Facilities for

the users of the field would be provided by the existing amenity block located in the western corner of the field and by other facilities on the wider park. Paragraphs 79 and 88 of the NPPF are most appropriate for the development which state:

- 79 *The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.*
88. *When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.*

The key Green Belt consideration with the proposal is the harm the proposal may have to the Green Belt and its impact on openness. It is acknowledged that the proposed change of use would impact on openness as it would lead to a permanent change in its appearance and operation of the site between Easter and the end of October each year, changing it from an open meadow field to one which is occupied by tents, cars and motorhomes which would lead to a degree of harm to the Green Belt in this location. However this harm and impact on openness needs to be considered along with the very special circumstances put forward by the applicant, and the context of the development.

The applicant has provided information which details that the field is currently used for 28 days per year for camping, and used for caravans at various times throughout the year by the Caravan and Camping Club under their exceptions policy. Therefore, to a degree, the openness of the Green Belt is already impacted on by current operations and an existing harm exists; albeit over a much reduced timeframe than proposed. The proposal also represents an extension of an existing Camping and Caravan site which is all located in the Green Belt, and the use of the field adjacent to the existing site would mean that it would be read in conjunction with the other camping and caravan facilities. Furthermore the proposal does not include the erection of any permanent structures or facilities, and the site would remain as a mown field when not in use for camping or by motorhomes.

As set out previously the applicant has also provided details of the wider sustainability objectives that the proposal would meet in terms of economic, social and environment benefits. These elements are considered to be material to Green Belt considerations, and contribute to the very special circumstances which have been demonstrated by the applicant.

In conclusion it is considered that the way the site currently operates has an existing impact on the Green Belt by its temporary use for 28 days per year. The applicant has demonstrated very special circumstances to support the application which clearly outweigh harm to the Green Belt and any other

harm. The proposal would therefore meet the requirements of Chapter 9 of the NPPF.

Highway Safety:

The impact of the development on highway safety has been assessed in relation to Policies T10, T19 and R13, public footpath HOL/49/30 borders the site to the south west. The site would be accessed via the existing single width access track which is in the applicant's ownership, and leads from Woodhead Road to the wider camping site. The use of this track to serve the large camping and caravan use is not considered to lead to a detrimental intensification of use, and is considered to be acceptable. Parking for vehicles would be provided on the field next to the tents. The public footpath located to the south west would be retained.

The proposal is therefore considered to have an acceptable impact on highway safety and would accord with Policies T10, T19 and R13 of the UDP.

Amenity:

The impact of the development on amenity has been assessed by Environmental Services and in relation to Policies EP4 and EP6 of the UDP and Policies in the NPPF. The closest residential property to the site are located of Luke Lane which are located a minimum of 50 metres away.

Environmental Services state have assessed the proposal and given that the site is already in use as a camping and caravan park, and no building is proposed. It is not considered that there any significant environmental health impacts with this development, and there are no objections to the proposal from Environmental Services. The campsite operates a no fires policy and that noise is kept to a minimum after 10pm to further reduce any impact on adjacent residential properties.

In light of the above the proposal is considered to have an acceptable impact on local amenity and the would accord with the requirements of Policies EP4 and EP6 of the UDP and Policies in Chapter 11 of the NPPF.

Ecology:

In terms of ecological impact, the proposal solely seeks the change of use of land to form a camping field, and does not propose any new structures. The proposal is therefore not considered to have any detrimental ecological impact. The proposal would therefore accord with the requirements of Chapter 11 of the NPPF.

Representations:

Objections

The planning related objections raised are summarised as follows with a response to each one in turn:

- There are residential properties within 50 metres of the application site along Luke Lane. The use of the proposed field is currently harmful to local amenity where noise, smoke and smells from bbq's etc can occur early in the morning until late at night, and the site is not well screened to adjacent properties. Any extension of use of this field beyond what is currently allowed would be detrimental to local amenity.

Response: As set out above the proposal has been assessed by Environmental Services, and the amenity impact of the proposal is considered to be acceptable.

- The river forms a wildlife corridor and there is an unaccepted use of the river bank and river by campers. The proposal would therefore be detrimental to local wildlife

Response: As set out above the proposal is considered to have an acceptable impact on local wildlife, any impact of campers on the river bank is not considered to be significantly detrimental.

- There are existing fields and facilities at the site which can accommodate sufficient visitors.

Response: The applicant has provided information to detail that there is demand for the use of the field for camping.

- There is concern that the proposed field would lead to residential caravans which would be detrimental to local amenity over an extended period.

Response: The recommendation includes a planning condition which restricts the use of the field to tents and motorhomes, and restricts the time to between Easter and October. It would therefore not be possible for the site to be used by residential caravans.

- The proposal would lead to a substantial increase in traffic along Lancaster Lane which is substandard in terms of its design is not fully surfaced, is a single width and a public right of way runs along its length.
- The existing pedestrian bridge is also utilised for dropping visitors off to the campsite with vehicles including coaches parking on Luke Lane. The use of the pedestrian access in this way is detrimental to highway safety.

Response: As set out above, the application has been assessed by Highway Services who raise no objection to the proposal. Whilst visitor numbers are anticipated to increase, it is considered that this would not be detrimental to highway safety given the existing highway arrangements, which allows the

potential for any vehicle queuing to occur internally and off the main Woodhead Road.

- The application site is located in an area of flood risk and there are more frequent instances of extreme weather conditions. The proposed site should therefore not be used for camping and the withdrawn application in 2013 had objections from the Environment Agency.

Response: As set out above, the flood risk issue has been addressed in detail, and whilst the Environment Agency and the Flood Management and Drainage Team object the proposal is considered to be acceptable given the wider sustainability benefits provided by the proposal, and the flood risk arrangements and evacuation plan provided.

The 35 representations in support are noted by planning officers, and support statements made by the applicant in terms of economic, environmental and social benefits the proposal would bring to the local area.

Conclusion:

In conclusion the proposal whilst contrary to national planning policy and guidance on flood risk is on balance considered to be acceptable. The proposal is considered to provide wider sustainability benefits which are considered outweigh the flood risk and acceptable measures would be put in place to protect the safety of users, and surrounding properties should a flooding instance occur. The proposal is considered to have an acceptable impact on the Green Belt, highway safety and local amenity.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

9. RECOMMENDATION

GRANT CONDITIONAL FULL PLANNING PERMISSION

Subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

3. The site outlined in red on shall only be used for the purposes of camping by means of tents or motorhomes between Easter and 31st October in any given calendar year with a maximum number of 35 pitches at any one time occupying the site. At no time shall caravans be permitted to use the site outlined in red.

4. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) by Mr Ben Humphreys and the following mitigation measures detailed within the FRA shall be submitted to an approved in writing by the Local Planning Authority before development is brought into use:

1. Production of a flood evacuation plan including: identification and provision of safe route(s) into and out of the site to an appropriate safe haven, and signing up to the EA's Flood Warning Service.

The mitigation measures shall be fully implemented prior to occupation and maintained thereafter.

This recommendation is based on the following plans and specification schedule:-

Plan Type	Plan Reference	Revision	Date Received
Location Plan	-	-	27/11/2015
Proposed Site Plan	-	-	27/11/2015
Photos of Field in Use	-	-	27/11/2015
Photos of Amenities Block	-	-	27/11/2015
Flood Risk Assessment	-	-	27/11/2015
Flood Evacuation Plan	-	-	4/5/2016
Additional Revenue Costings	-	-	27/11/2015
Details of Keswick Permission	-	-	4/1/2016
Additional flood Information	-	-	17/12/2016
Evidence of Camping and Caravan Parks in Flood Zone 3	-	-	23/2/2016
Updated Sequential Test Information	-	-	4/3/2016
New Additional Revenue Costings	-	-	23/2/2016
HVC&CP Tent Bookings 2015	-	-	23/2/2016

Plan Type	Plan Reference	Revision	Date Received
HVC&CP Tent Bookings 2014	-	-	23/2/2016
HVC&CP Tent Bookings Spreadsheet	-	-	23/2/2016
New Additional Revenue Costings	-	-	4/3/2016
Details of Running Costs of Campsite.	-	-	4/3/2016

Application No: 2015/94112

Type of application: 62m - FULL APPLICATION

Proposal: Demolition of all existing buildings and erection of Class A1 food store with associated parking, access, servicing and landscaping

Location: former works, Station Road, Mirfield, WF14 8PT

Grid Ref: 420466.0 419552.0

Ward: Mirfield Ward

Applicant: Lidl UK GmbH Ltd & SJS (3) Ltd

Agent: Nick Hardy, Bilfinger GVA

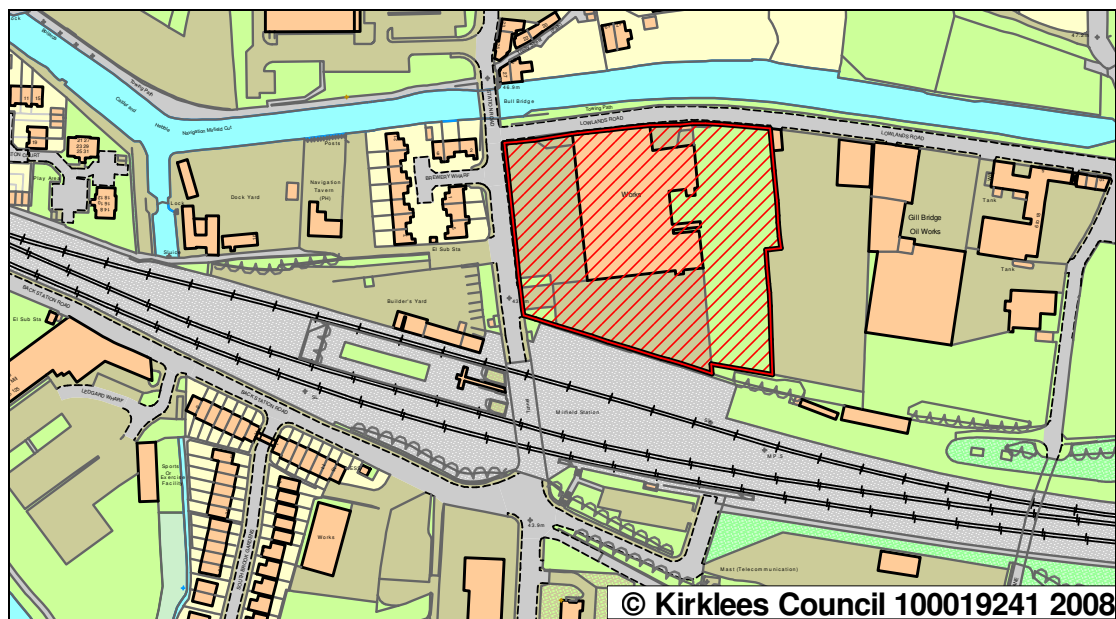
Target Date: 18-Apr-2016

Recommendation: ASD-CONDITIONAL FULL APPROVAL SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY OF APPLICATION

Application Details		
Type of Development	Retail	
Scale of Development	1.32 Ha	2,758 sq m (GIA) 1,689 sq m (net sales)
No. Jobs Created or Retained	40, an increase of 20 on existing sore.	
Policy		
Unitary Development Plan	Unallocated	
Independent Viability Required	No	
Representation/Consultation		
Individual Support (No.)	0	
Individual Objection (No.)	3 (including 1 with more general comments)	
Petition	N/a	
Ward Member Interest	N/a	
Statutory Consultee Objections	None	
Contributions		
• Affordable Housing	N/a	
• Education	N/a	
• Public Open Space	N/a	
• Other	N/a	
Other Issues		
Any Council Interest?	No	
Planning Pre-application advice?	Yes	
Pre-App Consultation Undertaken?	Yes	
Comment on Application	The application represents the relocation of the existing Lidl store at Mirfield, and is recommended for conditional full permission, subject to the imposition of conditions.	

RECOMMENDATION: GRANT CONDITIONAL FULL PLANNING PERMISSION SUBJECT TO DELEGATION OF AUTHORITY TO OFFICERS TO:

1. RESOLVE ALL OUTSTANDING DRAINAGE MATTERS.
2. RESOLVE ALL OUTSTANDING HIGHWAY MATTERS.
3. IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS WHICH MAY INCLUDE THOSE LISTED BELOW; AND
4. SUBJECT TO THERE BEING NO CHANGES WHICH MATERIALLY AFFECT THIS RECOMMENDATION, ISSUE THE DECISION NOTICE.

2. INFORMATION

The application is brought to Strategic Planning Committee in accordance with the Councils scheme of delegated authority as the application seeks permission for retail development of more than 1250 sq m gross floorspace and as the site area exceeds 0.5 ha.

3. PROPOSAL/SITE DESCRIPTION

Site Description

The site is 1.32 Ha in area and is bounded to the north by Lowlands Road and the Calder and Hebble Canal beyond, to the south by the existing railway track and station, to the west by Station Road and to the west by existing industrial uses.

The site was formerly in industrial use, occupied by Veolia Water Solutions and Technologies and has been vacant since 2012. The predominant character of the area is industrial and commercial together with housing to the opposite side of Station Road and to the north of the canal.

The existing buildings on site are of predominantly brick construction with large areas of associated storage and hardstanding. There is a landscaped frontage to Station Road.

The existing access is from Station Road, with secondary accesses into the site from Lowlands Road.

Proposal

The proposal involves the demolition of the now defunct Veolia Works to accommodate the development of a new foodstore for Lidl.

Lidl propose to relocate from their existing Station Road store and to develop a new larger store with a gross internal area of 2,758m² and a net sales area of 1,689m². It will be stocked with the standard Lidl product range which includes:-

- everyday core grocery items;
- selected non branded household products;
- a limited provision of chilled / frozen foods;
- a small range of fresh produce (fruit and vegetables); and
- wrapped fresh bread and a small selection of part-baked items.

The table below provides a comparison of the floorspace in the existing and proposed Lidl foodstores:

	Gross Area (sqm)	Net Sales (sqm)	Net conv (sqm)	Net comparison (sqm)
Existing Lidl	1,256	882	705	177
Proposed Lidl	2,758	1,689	1,351	337
Increase	1,502	807	646	160

The proposed foodstore would be located to the northern part of the site, orientated so that its short elevation is parallel with Station Road and with its long elevation extending to the east of the site along Lowlands Road and the Calder & Hebble Canal frontage. The customer entrance will be on the south-west corner of the building and the foodstore's glazed elevation, and most active frontage, would front onto Station Road. The car parking area is located in the southern part of the site, closest to the station and provides for 150 spaces including 9 disabled and 4 parent and child spaces.

Access is proposed from Station Road, via a simple priority junction arrangement. The proposed relocation of the store would lead to a total employment of 40 full time equivalent positions, an anticipated increase of 20 positions from the existing store.

The site is outside of the defined town centre but within 300 metres. Therefore the proposal is classed as 'edge of centre' development in relation to the sequential assessment applied to 'out of centre' retail developments.

4. BACKGROUND AND HISTORY

2015/94113 - Erection of illuminated signs – Pending the outcome of the application subject to this report

2014/92001 - Demolition of existing buildings and erection of (A1) food store, petrol filling station, formation of associated parking, access servicing and landscaping - Withdrawn

5. PLANNING POLICY

Kirklees Unitary Development Plan:

- D2 – Unallocated land
- B4 – Change of use of premises and sites last used for business and industry
- G1 – Regeneration
- BE1 – Design principles

- BE2 – Quality of design
- BE16 – Shop fronts
- BE20 – Access to buildings
- BE21 – Access to open space
- BE22 – Parking spaces for people with disabilities
- T10 – Highway safety
- T16 – Pedestrian safety within developments
- T17 – Cycling Improvements
- T19 – Parking standards
- EP4 - Noise Sensitive Development
- EP6 – Development and Noise
- EP11 – Landscaping
- R18 – Impact of development adjacent canals
- G6 – Land contamination
- S1 – Town Centres/Local Centres shopping
- S4 – Large stores

National Planning Policy Framework

- Part 2 Ensuring the vitality of town centres
- Part 4 Promoting sustainable transport
- Part 7 Requiring good design
- Part 8 Promoting healthy communities
- Part 10 Meeting the challenge of climate change, flooding and coastal change
- Part 11 Conserving and enhancing the natural environment
- Part 12 Conserving and enhancing the historic environment

Additional Policy Considerations

- National Planning Policy Guidance
- Supplementary Planning Guidance – Shopping Policy S4 Larger New Stores
- West Yorkshire Low Emissions Strategy Planning Guidance (WYLES)
- Mirfield Design Statement

6. CONSULTATIONS

KC Highways – no objection. Request conditions in respect of highway design details for new right hand turn, car park management plan, travel plan and construction traffic details.

KC Environmental Health – No objections in principle. Request conditions in respect of site remediation, the provision of acoustic fencing to protect occupiers of residential property on Trinity Street and control of lighting. Request that an air quality impact assessment be undertaken to determine the emission contribution required from the development.

Yorkshire Water Authority – Request conditions to control the disposal of foul and surface water and the diversion of an existing sewer within the site.

KC Flood Management and Drainage – Indicative drainage details have been provided which are being considered.

The Environment Agency – No objections subject to conditions requiring the development to be carried out in accordance with the Flood Risk Assessment

Canal & River Trust – Request conditions requiring details of hard and soft landscaping, including boundary treatments and a landscape management plan to be submitted to and agreed by the LPA and details of drainage to be submitted to and agreed by the LPA.

Network Rail – Station Road railway bridge has restricted headroom of 10 feet six inches. As such no delivery or construction vehicles which are close to/ above such height should not be permitted to use Station Road for access purposes and although cognisance of this fact is recognised in the transport assessment it would be preferable if this could be treated as the subject of a condition, particularly during the construction phase of the development (it is assumed a construction traffic management plan will be the subject of an appropriate condition).

Police Architectural Liaison Officer – Retail development such as this will be vulnerable to particular types of crime and anti-social behaviour, and measures need to be in place to address the vulnerabilities and to gain the support of West Yorkshire Police for the application. There should be CCTV coverage, with sufficient number of cameras to ensure that all the following areas are covered:

- The whole of the car park, so that all car parking spaces can be viewed
- Possible future location of an ATM
- Area designated for Cash in Transit vehicles
- Service yard area

Mirfield Town Council – No comments from residents, no issues raised by Councillors.

7. REPRESENTATIONS

The applicant undertook a pre application consultation exercise.

The site has been advertised by site notices and neighbour notification letters. In total 3 representations have been received, a summary of which are set out below:

- The location of the proposed substation site is subject to serious deep flooding, in the last 6 years there have been 3 incidents, it should be relocated closer to the supermarket.
- A retaining wall is necessary from the railway bridge to protect the car park from water at times of flooding.

- The whole site could be susceptible to flooding; this matter should be sufficiently addressed by the application.
- The proposal will have a detrimental impact on highway safety. Mirfield cannot cope with any additional traffic movements. Improvements should be made to the highway/access to remove any issues of pinch points etc. Improvements to local junctions should be considered to improve highway arrangements.
- Sufficient landscaping should be provided to Station Road and Lowlands Road to ensure that the local area is visually enhanced.

Cllr Bolt has made comments requesting that the car be park be made available for free for user for up to 3 hours.

8. ASSESSMENT

General principle:

The site is without notation on the UDP Proposals Map. Policy D2 (development of land without notation) of the UDP states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”. All these considerations are addressed later in this assessment.

The other key principle considerations for the proposal are the loss of an existing business premises and impact of the proposal on the vitality and viability of Mirfield Town Centre in retail terms.

Loss of Business Premises

The sites last use by Veolia was for Class B2/B8 General Industry/ Storage & Distribution. The Veolia operation closed in 2012, since when the site has remained vacant.

Policy B4 of the Councils UDP requires that proposals involving the change of use of premises and sites last used for business and industry will be considered having regard to the matters set out in the policy, including the number of jobs likely to be created or maintained, the compatibility with surrounding uses, the effect on the future operational flexibility of any neighbouring businesses, the effect on local amenity and on the local highway network.

Paragraph 22 of the NPPF advises that planning policies should avoid the long term protection of employment sites with limited potential for continuous use.

The applicant advises that the site has been extensively marketed since closure in 2012 with only limited interest for continuing employment use.

The proposed development will generate economic benefits with employment opportunities both during construction and operation. It is considered that the use proposed would not conflict with surrounding uses or the future operational flexibility of neighbouring businesses, and would bring regeneration of the local area. The proposal is considered to meet the requirements of Policy B4 and G1 of the UDP.

Town Centre and Retail Policy

In terms of retail policy, the site is considered to be in an edge of centre location as the site is within 300 metres of the defined town centre boundary. As such the proposal will need to satisfy the sequential test in order to justify an edge of centre rather than in centre location. Given that the scale of the store exceeds the larger stores threshold of 750 square metres set out in the Councils Supplementary Planning Guidance: Shopping Policy S4 Larger New Stores, the impact of the development also needs to be considered.

Sequential Assessment

In terms of sequential assessment the applicant has submitted an assessment to accord with the requirements of paragraph 24 of the NPPF, which has been assessed by Planning Officers. The site is considered to relate closely with and is well connected to Mirfield town centre with the resultant opportunity for linked trips given its close proximity.

Lidl's proposal is to replace its existing store so as to deliver operational benefits and benefits to its existing customers.

The existing Mirfield store has already been extended and whilst this secured some improvements, Lidl considers that the car park and store remain congested so that customer service and operational efficiencies are compromised.

Lidl has considered whether it can deliver the required improvements by way of further extensions or comprehensive redevelopment and concludes that it cannot as the site is too small to accommodate the current operational model. Lidl have also assessed whether there are any sequentially preferable sites within Mirfield which could accommodate the proposed new store. They have confirmed that the catchment area for customers forms the Mirfield area, but have highlighted that there are no suitable and available sites to accommodate a new retail development of the size and scale proposed with associated the parking and servicing. The points raised by Lidl have been considered by Officers and the assessment put forward is considered to be acceptable.

Furthermore Lidl is the freehold owner of its existing site and would be unlikely to sell or lease its existing site to a different competing foodstore operator. Lidl has received an offer from a care home provider so that the robust assumption for the purpose of this application is that the existing site will not be used for retail purposes, whilst also not meeting Lidl's business needs.

As such it is considered that the development proposed satisfies the sequential test and the requirements of paragraph 24 of the NPPF.

Retail Impact

Policy S1 of the Unitary Development Plan states that town centres will remain the focus of shopping with Mirfield defined as a large local centre. As set out previously the proposed food store is defined as a large store and policy S4 applies which sets out criteria to be considered. Paragraph 26 of the NPPF also applies to ensure that the impact of the proposed store is appropriately assessed.

The applicant has submitted a retail impact assessment, the key points of which are:

- It is estimated that the highest diversion of trade will be from the Morrisons store at Union Street, Heckmondwike. The Morrisons store is currently achieving the highest market share of main food shopping undertaken within the catchment area. The increased size of the replacement Lidl store, together with its location means that competition with the Morrisons will be increased (even though there will be no material increase in the range of products sold).
- Whilst the Morrisons store is located within Heckmondwike and anchors its wider retail offer, its actual convenience goods turnover is significantly above its benchmark. With the estimated additional trade diversion to the replacement Lidl the Morrisons store would continue to overtrade. On this basis, it is clear that Morrisons will continue to trade successfully.
- The majority of the additional convenience goods turnover generated by the replacement Lidl store is expected to be drawn from larger stores beyond the study area. This includes Morrisons at Penistone Road, Huddersfield and Asda at Mill Street West, Dewsbury. All will experience very small levels of impact which will be easily sustained.
- In respect of Mirfield district centre, there will be a small degree of impact on the Co-op and Tesco Express stores. Both the Co-op and Tesco are achieving small market shares of main food shopping in the Mirfield catchment area, moreover, it is clear from the findings of the household survey that more than half of the convenience goods expenditure generated by Mirfield residents is being spent at stores beyond the catchment. This indicates a qualitative deficiency in Mirfield's convenience retail offer which means its residents' needs are not being fully met.

The retail impact assessment concludes that any additional convenience goods turnover generated by the net increase in floorspace at the replacement Lidl store (over and above the turnover of the existing store) will not result in a significant adverse impact on Mirfield centre or any other centre within or beyond the study area and that the replacement store will increase the retention of convenience goods expenditure within the Mirfield catchment area.

Whilst on the edge of the town centre, it is considered that the development proposed will extend and improve the range of shopping, deliver additional employment opportunities and improve the quality of the built environment by facilitating regeneration of a vacant previously developed site. The proposal would therefore accord with the requirements of Policy S1, S4 and paragraph 26 of the NPPF.

Conclusion on Principle

In conclusion the principle of the development is considered to be acceptable. The proposal would lead to the redevelopment of a brownfield site which has been redundant for a number of years. There are no sequentially preferable sites within Mirfield which could accommodate the proposed use, and the proposal is considered to have an acceptable impact on Mirfield and the local area.

To ensure that the scale retail element remains the same as proposed and to protect the vitality and viability of Mirfield Town Centre a condition is attached to the recommendation to restrict net convenience floorspace to 1,689 square metres, and net comparison floorspace to 337 square metres

Flood Risk & Drainage:

The application site is located in Flood Zones 2 and 3 and the application has been assessed by the Environment Agency, Kirklees Flood Management and Drainage and Yorkshire Water. The application has been assessed against policies set out in Chapter 10 of the NPPF and guidance in the NPPG and has submitted a Flood Risk Assessment and an initial drainage strategy.

Flood Risk

In terms of flood risk it is acknowledged that parts of Mirfield experienced unprecedented flood levels during the recent winter flood events. The applicant has therefore updated the submitted Flood Risk Assessment to reflect these recent flooding events. These flooding instances are considered to represent approximately a 1 in 100 year flooding event.

Paragraph 100 of the NPPF requires the applicant to carry out a sequential test when new development is proposed in the flood zones 2 and 3, to ensure that new development is located in areas of lowest flood risk. However as previously set out above, the applicant has demonstrated that the application site is sequentially preferable in retail planning terms. The site is the only

available one which can accommodate the quantum of development required, which is defined as being in an edge of centre location with connections to Mirfield Town Centre. In light of the outcome of this retail planning sequential assessment, it is not considered appropriate to locate the proposed food store in an out of centre location at lower risk of flooding, as it would have a detrimental impact on the vitality and viability of Mirfield Town Centre. In light of this the flood risk sequential test has therefore been passed.

Given that the sequential test has been passed guidance in the NPPG in relation Flood Risk Vulnerability needs to be considered. The proposed food store represents a less vulnerable use and can be considered to be appropriate in flood zones 2 and 3. However in accordance with paragraph 103 of the NPPF the proposal should not increase flood risk elsewhere, and flood resilient and resistant techniques should be used in construction and design.

The applicant has detailed that the finished floor levels of the store would be located 200 mm above the depth of flooding modelled for a 1 in 100 year flood. This finished floor level should ensure that the store would not be flooded if a 1 in 100 year instance were to occur. The proposed store has also been positioned away from the lowest ground level adjacent Station Road with the retention of the open green space to the west of the store. Flood storage capacity at the site would also remain the same as existing with the provision of additional underground tanks in the car park.

The findings of the submitted flood risk assessment have been accepted by the Environment Agency, subject to a condition ensuring that finished floor levels are at the stated level, and provided flood storage is provided. The applicant is also advised to sign up to the floodline.

Subject to the above conditions the proposal is considered to have an acceptable impact on flood risk and meet the requirements set out in Chapter 10 of the NPPF.

Drainage

In terms of drainage, Yorkshire Water and the Councils Flood Management and Drainage Team raise no objection to the proposal in principle. However further details are required, and the applicant has provided an initial drainage strategy which is currently being assessed by the Councils Drainage Officers.

The submitted strategy provides details of discharge rates, however these are yet to be agreed, and further consultation with Yorkshire Water will be necessary to agree the principle of the drainage solution. However it is considered that this technical matter can be resolved by Officers prior to issuing the decision.

Conditions are attached to the recommendation to ensure that all water which drains from areas used by parking pass through an oil interceptor, and details for the sewer diversion have been submitted and approved.

Design:

In terms of design the proposal needs to be considered in relation to Policies BE1, BE2, BE16, BE20, BE21, BE22, EP11 and S4 of the UDP and Policies in chapter 7 of the NPPF and the Mirfield Design Statement.

The proposed new food store would be arranged with the main store located to the north of the site adjacent Lowlands Road, with the car park to the south. The point of access to the store located to the west off Station Road. Servicing would be provided via the car park.

The store would have a large section of glazing along the principle western elevation which returns along the southern elevation on the corner. The area of glazing would look over an area of existing open grassland and would be retained by the development. The rest of the building would be finished with a combination of white render and silver cladding with a mono pitched roof. The southern elevation would contain a row of high levels windows with louvres which serve office and staff space. Large wall mounted advertising space is also provided along the southern elevation. The northern elevation adjacent Lowlands Road would have a blank elevation which would be screened by landscaping. The eastern elevation would also be blank and form the service area to the proposal. Landscaping would be provided around the site with additional planting along all boundaries of the site.

The design of store would have a contemporary appearance which would allow substantial natural light into the store. The glazed corner entrance would provide an entrance feature for customers which would have the Lidl sign above on both sides of the building. Given the sites setting in a predominantly industrial area the use of large sections of glazing, render and cladding is considered to be acceptable. The supermarket is set back from the main road away from the closest residential properties located on Brewer Wharf and would retain the open area of grass to the frontage. The blank elevations to Lowlands Road and the Canal would ensure the proposal would not impact on the character and appearance of the local area including the Canal corridor (a more detailed assessment is set out below). However a condition will seek to secure the submission of samples of construction materials prior to build works commencing on the store.

The applicant has also provided details of boundary treatment for the site which includes a new stone wall along the northern elevation adjacent Lowlands Road, a palisade fence adjacent the eastern and south eastern corner with a timber knee rail provided along the western frontage of the site. Such boundary treatment is considered to be acceptable.

The proposal includes 9 disabled parking spaces close to the store entrance and level access to the store would be provided for customers. This would ensure that appropriate disabled access is provided for the store.

The applicant has also submitted details of the signs to be erected on the store which includes a totem sign adjacent the entrance. The signs are in principle considered to be acceptable, however they will be subject to a more detailed assessment in the allied application 2015/94113.

The proposal would therefore accord with the requirements of Policies BE1, BE2, BE16, BE20, BE21, BE22 and S4 of the UDP and Policies in the NPPF, and Policies in Chapter 7 of the NPPF, and the Mirfield Design Statement.

Crime Prevention:

The impact of the development in relation to crime has been assessed in relation to Policy BE23 of the UDP and Policies in Chapters 7 and 8 of the NPPF.

The application has also been assessed by the West Yorkshire Police Architectural Liaison Officer (PALO). The PALO advises that retail development such as this will be vulnerable to particular types of crime and anti-social behaviour, and measures need to be in place to address the vulnerabilities and to gain the support of West Yorkshire Police for the application.

The PALO has requested CCTV coverage of external areas with sufficient number of cameras to ensure that the whole of the car park, possible future location of an ATM, area designated for Cash in Transit vehicles and service yard areas are covered is based upon reducing the likelihood and opportunity for crime and disorder and increasing the chances of identifying offenders should crime occur, for example:

- Robbery at the supermarket premises, identifying offenders / their vehicles on their approach to or leaving the store
- Overnight burglary at the store
- Vehicle crime in the car park
- Incidents affecting customer safety in the car park
- Crime affecting the safety of supermarket staff arriving at / leaving the store at vulnerable times
- Crime occurring in the service yard area
- Crime affecting 'cash collection' movements outside the store
- A variety of anti-social behaviour in the car park

In response the applicant comments that whilst they are aware of the need to provide a safe and secure environment for its customers, they are of the opinion that the installation of CCTV is unnecessary given the broader surveillance and security measures that have been built into the design and/or exist as a result of the use. These include:

- A building that incorporates a large glazed frontage facing both Station Road and the car park. The levels of activity within and around the western end of the store will ensure a good level of natural surveillance for users of the site throughout its operation. In addition, the staff

welfare area directly overlooks the car park from the upper level of the store, further enhancing the natural surveillance;

- The car park will be well-lit and is expected to be well-used during operating hours. This level of movement and activity will act as a deterrent to criminal or anti-social activity;
- CCTV exists within the store and provides for direct security at the main access points and across the store. In addition, Lidl does not provide ATM machines, which is a significant attractor of crime; and
- The clearly marked footpaths and vehicular routes into and around the site will be well lit and maintained to ensure a safe access route is provided for both vehicles and pedestrians.

Whilst the applicant's comments are noted, Planning Officers consider that the site is not well overlooked by residential properties, and the site is not particularly visible from the public highway. It is therefore considered that given the comments by the PALO, it is important to ensure that a CCTV system is provided at the site. A CCTV system would ensure that the store is well designed for the long term future, and would reduce the potential for crime, both of which accord with the requirements set out in chapters 7 and 8 of the NPPF and Policy BE23 of the UDP.

To ensure that an appropriate system is installed a condition is recommended requiring the submission of specific details.

Canal:

The Canal and Rivers Trust has assessed the impact of the development on the adjacent Calder and Hebble Navigation Mirfield Cut. The proposal has been assessed in relation to Policy R18 of the UDP. The Canal and Rivers Trust do not raise any objections to the proposal; however they consider that further landscaping is required to protect the character and visual appearance of the canal. The comments of the Canal and Rivers Trust are noted and a condition requiring further landscaping is recommended.

Highway issues:

The impact of the development on highway safety needs to be considered in relation to Policies T10, T17 and T19 of the UDP. The applicant has submitted a transport assessment with travel plan and the application has been assessed by KC Highways.

The applicant has submitted a traffic survey of the existing store, and has argued in their submissions that as the proposal representing a replacement Lidl store, the proposal will not lead to a material increase in traffic movements in the local area. They consider that the new store would provide a better customer environment, better stock control and improved operational efficiency of the car park. They have also provided TRICS data to demonstrate that the traffic movements experienced at the current store are typical of the scale of store proposed.

The applicant has also highlighted that they have received an offer from a care home provider for the existing site. As previously stated the robust assumption for the purpose of this application is that the existing site will not be used for retail purposes, and will therefore not generate the same level of traffic movements as currently experienced.

A new right hand lane would be required on station road to facilitate the development, and initial design details have been provided which are acceptable in principle. However further design information is required before development commences on the construction of the food store, this detail will be conditioned. Details of the car park layout have also been provided, which are considered to be acceptable in principle. However further information is required in relation to surfacing and the provision motorcycle parking, a condition is attached to the recommendation to secure this.

The applicant has detailed that the car park would operate free of charge for up to 2 hours to encouraged linked trips, with parking enforcement via an Automatic Number plate Recognition (ANPR) system. Cllr Bolt has requested that this parking time is extended to 3 hours, however a balance has be reached between providing sufficient parking for the store and facilitating linked trips, and a 2 hour period is considered to be appropriate in this instance. To ensure that there are more details of how the car park and parking enforcement will operate a condition is attached to the recommendation to secure a car park management plan.

The applicant has also submitted a framework travel plan, where they have agreed to provide real time bus information in store, provide staff with metro cards, and provide staff showers. To ensure that further detail is provided in the travel plan including monitoring mechanisms a condition is attached to the recommendation to require the submission of a detailed travel plan.

The application would also include the provision of 6 Sheffield cycle hoops to accommodate 12 bicycles, the provision of cycle stands will be conditioned as part of the recommendation.

In conclusion the proposal is considered to have an acceptable impact on highway safety and would accord with Policies T10, T17 and T19 of the UDP.

Amenity:

The amenity impact of the proposal needs to be considered in relation to its impact on surrounding residential properties in terms of noise and disturbance, previous contamination at the site, and matters of air quality. The application has been assessed against policies EP4 and EP6 of the UDP and Policies in Chapters 7, 8, 11 of the NPPF.

Residential Amenity and Noise

The closest residential properties to the site are located opposite the site to the west at Brewery Wharf, and to the north along Trinity Street. The

proposed food store would be set away from these residential properties. However the new store includes sections of plant along the northern elevation within proximity of properties on Trinity Street. Environmental Services are satisfied about the location and nature of plant proposed, however there is concern about the potential impact of noise arising from the operation of the plant upon occupiers of properties on Trinity Street. This can be mitigated by the provision of an acoustic fence to the proposed plant area, the details of which can be required by condition.

The applicant does not consider an additional acoustic fencing is necessary, however after further discussions with Environmental Services the concern relates to the operation of nosier heat pumps which will operate from 6am to 10pm. These would increase background noise levels early in the morning and late at night, it is therefore concluded that an acoustic fence is necessary to mitigate the potential noise issue. Hours of use conditions are also attached to the recommendation to restrict the hours of use outside the hours of 7am to 10pm, and deliveries outside the hours of 6am to 10pm.

Land Contamination

Given the previously developed nature of the site the applicant has provided a Phase 1 and Phase 2 site investigation report which has been assessed by Environmental Services. The findings of the phase 2 investigation are generally accepted; however Environmental Services require details of the further site investigations which have been carried out at the site. It is considered that the site can be adequately remediated in order to accommodate the development proposed, subject to the imposition of conditions in respect of a remediation strategy and implementation of any mitigation works proposed.

Air Quality

In accordance with the West Yorkshire Low Emissions Strategy Planning Guidance, the impact of the development on air quality needs to be considered. The site is located within an area of poor air quality and given the scale of the development, the impact of the proposal needs to be mitigated.

The following matters will form part of the mitigation strategy:

- Low emission vehicle charging points to be provided in 10% of parking spaces which may be phased with 5% initial provision and the remainder at an agreed trigger level.
- The submission of a low emission travel plan.
- All commercial vehicles should comply with current or the most recent European Emission Standards from scheme opening, to be progressively maintained for the lifetime of the development.
- Prior to development commencing to provide a Full Air Quality Impact Assessment including calculating the damages from the development and agree appropriate mitigation measures with the local authority.

The applicant has agreed to the principle of providing the above mitigation strategy which will be conditioned as part of the recommendation.

Conclusion on Amenity

In conclusion the proposed development is considered to have an acceptable impact on amenity, any issues of noise, air quality and contamination can be controlled by condition.

Ecology:

In terms of ecology the application site represents a brownfield site with a low amount of natural vegetation. The site is however located within the bat alert layer and the applicant has submitted a bat survey and a phase 1 habitat survey for the site which has been assessed by Planning Officers.

The Bat Survey used previous survey work of the site from 2013 as well as data records held by West Yorkshire Ecology and visits to the site in early September 2015. The Bat Survey has highlighted that the building is classified as having a roost present as a *Pipistrellus sp.* was observed leaving the building when the site was being surveyed. Therefore further survey work is required and a Natural England EPS licence is required. To ensure that the proposal has an acceptable impact on local ecology the mitigation recommendations set out in the bat survey will be conditioned. The phase 1 habitat survey has assessed potential for other types of ecology and has provided recommendations which will be conditioned as part of the recommendation.

Representations:

In total 3 representations have been received, a summary of which are set out below with a response to the points raised:

- The location of the proposed substation site is subject to serious deep flooding, in the last 6 years there have been 3 incidents, it should be relocated closer to the supermarket.
- A retaining wall is necessary from the railway bridge to protect the car park from water at times of flooding.
- The whole site could be susceptible to flooding, and this matter should be sufficiently addressed by the application.

Response: As set out above the proposal is considered to have an acceptable impact on flooding, and drainage arrangements are in principle considered to be acceptable.

- The proposal will have a detrimental impact on highway safety. Mirfield cannot cope with any additional traffic movements. Improvements should be made to the highway/access to remove any issues of pinch

points etc. Improvements to local junctions should be considered to improve highway arrangements.

Response: As set out above the highway impact of the development is considered to be acceptable, and satisfactory access arrangements are achievable.

- Sufficient landscaping should be provided to Station Road and Lowlands Road to ensure that the local area is visually enhanced.

Response: The applicant has provided details of landscaping at the site, however further information is considered to be necessary, and a more detailed landscaping plan is required by condition.

Other Considerations:

Railway Infrastructure

The application site is located to the north of the main Manchester to Leeds train line and Network Rail has been consulted as part of the application. Network Rail raise no objection to the proposal, but advise that construction traffic is diverted away from the Station Road railway bridge as it is height restricted to 10 feet 6 inches, they request that such detail forms part of a construction management plan. In light of above comments and as set out in the highway section a construction management plan is conditioned as part of the recommendation.

Conclusion:

In conclusion the proposed new food store is in principle considered to be acceptable and would facilitate the relocation of the existing store on Station Road to larger premises.

The proposal is considered to have an acceptable impact on Mirfield in retail terms and would lead to the redevelopment of a currently redundant brownfield site which has been vacant for a number of years. The proposal is considered to be of an acceptable design and scale, and would have an acceptable impact upon highway safety. The proposal would not harm the character of the local area including the adjacent Calder and Hebble Navigation Mirfield Cut. The drainage details are considered to be acceptable in principle, and the proposal would have an acceptable impact on the adjacent railway line, and local ecology.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

9. RECOMMENDATION

RECOMMENDATION: GRANT CONDITIONAL FULL PLANNING PERMISSION SUBJECT TO DELEGATION OF AUTHORITY TO OFFICERS TO:

- 1. RESOLVE ALL OUTSTANDING DRAINAGE MATTERS.**
- 2. RESOLVE ALL OUTSTANDING HIGHWAY MATTERS.**
- 3. IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS WHICH MAY INCLUDE THOSE LISTED BELOW; AND**
- 4. SUBJECT TO THERE BEING NO CHANGES WHICH MATERIALLY AFFECT THIS RECOMMENDATION, ISSUE THE DECISION NOTICE.**

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

3. Construction shall not commence on the hereby approved food store building until details of external materials to be used have been submitted to and approved in writing by the Local Planning Authority. No materials other than those approved in accordance with this condition shall be used.

4. The net sales area of the store hereby permitted shall not exceed 1,689 sq.m including, for the avoidance of doubt, any mezzanine floorspace. The net sales area is defined as the sales area within the building (i.e. all internal areas accessible to the consumer) but excluding lobbies, restaurants/cafes, customer toilets and walkways behind the checkouts. Within the total net sales area hereby permitted, no more than 337m² shall be used for the sale of comparison goods.

5. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) by Weetwood, dated January 2016 and the following mitigation measures detailed within the FRA:

1. Provision of compensatory flood storage
2. Finished floor levels are set no lower than 44.9 m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

6. Surface water draining from areas of hardstanding shall be passed through an oil interceptor or series of oil interceptors, prior to being discharged into any watercourse, soakaway or surface water sewer. The interceptor(s) shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water shall not pass through the interceptor(s). Vehicle washdowns and detergents shall not be passed through the interceptor.

7. Development shall not commence on the construction of buildings or other structures until measures to divert or otherwise formally close the sewer that is laid within the site have been implemented in accordance with details that have been submitted to and approved by the Local Planning Authority. No building or other obstruction to be located over or within 3.0 (three) metres either side of the centre line of the sewer.

8. Development shall not commence until a scheme detailing separate foul and surface water drainage, (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be phased, so as to include details of when, during the development of the site, the drainage will be installed. The development shall be carried out in accordance with that phased scheme.

9. The convenience store hereby permitted shall not be open to customers outside the hours of 0700 to 2200 Monday to Sunday inclusive.

10. There shall be no deliveries to or dispatches from the convenience store outside the hours of 0600 to 2200 Monday to Sunday inclusive.

11. Development shall not commence until an updated Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

12. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 11. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the Local Planning Authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

13. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

14. Notwithstanding the approved plan Dwg. No. 10 rev J, before the development is brought into use 8 electric vehicle recharging point shall be installed in the car park associated with the hereby approved food store. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicles charging points so installed shall thereafter be retained

15. The development hereby permitted shall not be brought into use until a full Air Quality Impact Assessment has been submitted to and approved in writing by the Local Planning Authority. The Air Quality Impact Assessment should include the monetising of damage costs, the value of which should be reflected in mitigation measures specific to air quality in the Travel Plan.

16. The development hereby permitted shall not be brought into use until a scheme detailing crime prevention measures which includes the installation of a Closed Circuit Television (CCTV) system has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is first occupied and retained thereafter.

17. Development hereby approved shall be carried out in complete accordance with the 'Impact Assessment and Mitigation Recommendations' set out in the hereby approved 'Preliminary Roost, Assessment and Bat Activity Nocturnal, Surveys' Dated October 2015 Revision B by Access Ecology Ltd, and the 'Conclusions and Recommendations' set out in the hereby approved 'Update Extended Phase 1 Habitat Survey Report' dated December 2015 Reference SJS004.

18. Notwithstanding the details shown on the approved plan entitled 'Proposed Boundary Treatment Plan' Dwg. No. 7 Rev B, the development hereby permitted shall not be brought into use until an acoustic barrier is erected around the external plant as shown on the approved plan Dwg.No. LD-BS-02 and located in the north eastern corner of the application site. The installed acoustic barrier shall be retained and maintained to provide acoustic screening thereafter.

19. The 12 secure cycle parking spaces shown on the 'Proposed Site Plan', Dwg. No.10 Rev J received 12 April 2016 shall be provided before the development is first brought into use and thereafter be retained free from obstructions and available for cycle parking.

20. Construction shall not commence on the hereby approved food store building until, a detailed scheme for the provision of a right turn lane from Station Road into the site with associated signing and white lining has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include construction specifications, white lining, signing, surface finishes together with an independent Safety Audit covering all aspects of the work. All of the agreed works shall be implemented before any part of the development is first brought into use and thereafter retained.

21. The development hereby permitted shall not be brought into use until a Car Park Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Car Park Management Plan shall include measures to: allow free general town centre use of all store parking areas for a minimum of two hours; and prevent trolleys being removed from the curtilage of the store. The Car Park Management Plan shall be implemented before the store hereby approved is first brought into use, and shall thereafter be retained.

22. Within the first 3 months of any part of the development being brought into use arrangements for a scheme for the provision and maintenance of a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The travel plan shall include measures to improve and encourage the use of sustainable transport. The measures will include as a minimum:

- the provision of 'bus/train information;
- car sharing facilities
- the introduction of working practices to reduce travel demand and
- the provision of on site cycle facilities and information.
- staff showers
- Staff metrocards
- real time bus information within the store

The Travel Plan will include details of when these measures will be introduced.

To support the promotion of the use of sustainable modes the travel plan will also include: how the travel plan will be managed; targets aimed at lowering car use, particularly single occupancy trips, from/to the site; a program for monitoring the travel plan and its progress and how the travel plan and its objective of more sustainable travel will be promoted. The approved travel plan shall thereafter retained throughout the lifetime of the development.

23. Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. Unless otherwise approved in writing by the Local Planning

Authority, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

24. Notwithstanding the details shown on the approved plans, no development shall take place on the formation until a scheme detailing arrangements and specification for layout and parking (including four motorcycle parking spaces) have been submitted to and approved in writing by the Local Planning Authority. Before any building is occupied the development shall be completed in accordance with the details shown on the approved plans and retained thereafter.

25. Notwithstanding the submitted details the development shall not be brought into use until a scheme detailing landscaping, tree/shrub planting, including the indication of all existing trees and hedgerows on and adjoining the site, details of any to be retained, together with measures for their protection in the course of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the phasing of the landscaping and planting. The development and the works comprising the approved scheme shall be implemented in accordance with the approved phasing. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation.

This recommendation is based on the following plans and specification schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	22	-	18/1/2016
Existing Site Plan	01	-	18/1/2016
Proposed Site Plan Levels	18 Rev A	-	18/1/2016
Proposed Site Layout Plan	08 Rev J	-	12/4/2016
Signage Location Plan	11 Rev B	-	18/1/2016
Plan of Plant Area	LD-BS-02 rev 02	-	27/4/2016
Proposed Boundary Treatment	17 Rev B	-	18/1/2016
Proposed Surfacing	16 Rev A	-	18/1/2016
Car Park Lighting Layout Plan	-	-	18/1/2016
Landscaping Plan	R/1825/1	-	18/1/2016
Proposed Elevations	08 Rev C	-	18/1/2016
Proposed Ground and First Floor Plans	07 Rev A	-	18/1/2016
Poster Display Plan	15 Rev A	-	18/1/2016
Wall mounted billboard	14	-	18/1/2016

Plan Type	Reference	Version	Date Received
Wall mounted sign	13	-	18/1/2016
Pylon Sign	12 Rev A	-	18/1/2016
Transport Assessment	117026/JS/151112	-	18/1/2016
Assumptions used for RIA and TA	-	-	12/4/2016
Justification for CCTV Approach	-	-	7/4/2016
Additional information on Noise	-	-	7/4/2016
EIA Screening Letter	NH/CJ	-	18/1/2016
Statement of Community Involvement	December 2015	-	18/1/2016
Flood Risk and Drainage Statement	December 2015	-	18/1/2016
Updated Flood Risk Assessment	January 2016	-	25/2/2016
Preliminary Roost Assessment and Bat Activity Nocturnal Surveys	0977/02/JGSB/BATS October 2015 Revision B	-	18/1/2016
Update Extended Phase 1 Habitat Survey Report'	December 2015 SJS004	-	18/1/2016
Phase 1 Preliminary Risk Assessment	41014	-	18/1/2016
Phase 2 – Geo-Environmental Interpretative Report	70006140	-	18/1/2016
Lighting Assessment	-	-	18/1/2016
Noise Assessment	October 2015 P15-549-R01v3	-	18/1/2016
Planning and Retail Statement	December 2015	-	18/1/2016
Design and Access Statement	DA01 Rev B	-	18/1/2016

Application No: 2016/90482

Type of application: 62 - FULL APPLICATION

Proposal: Formation of car park

Location: Oakwell Business Centre, Dark Lane, Birstall, Batley, WF17 9LW

Grid Ref: 422821.0 427005.0

Ward: Birstall and Birkenshaw Ward

Applicant: J Chapman, Eshton C/O Agent

Agent: Tom Cook, ID Planning

Target Date: 20-Apr-2016

Recommendation: ASD-CONDITIONAL FULL APPROVAL SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY OF APPLICATION

Application Details		
Type of Development	Full application for formation of car park	
Scale of Development	0.53 ha	
No. Jobs Created or Retained	120-130	
Policy		
UDP allocation	Business and Industry (Policy B3)	
Independent Viability Required	N/A	
Representation/Consultation		
Individual Support (No.)	0	
Individual Objection (No.)	3	
Petition	0	
Ward Member Interest	Cllr Elizabeth Smaje	
Statutory Consultee Objections	None	
Contributions		
• <i>Affordable Housing</i>	N/A	
• <i>Education</i>	N/A	
• <i>Public Open Space</i>	N/A	
• <i>Other</i>	N/A	
Other Issues		
Any Council Interest	N/A	
Planning Pre-Application Advice	Yes	
Comment on Application	Subject to no adverse comments being received from Consultees, the proposed development is considered to be acceptable and would have no significant detrimental impact upon residential or visual amenity, or highway safety.	

RECOMMENDATION:

GRANT CONDITIONAL FULL PLANNING PERMISSION SUBJECT TO DELEGATION OF AUTHORITY TO OFFICERS TO:

- 1. RESOLVE OUTSTANDING COMMENTS FROM THE COAL AUTHORITY**
- 2. IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS WHICH MAY INCLUDE THOSE LISTED BELOW; AND**
- 3. SUBJECT TO THERE BEING NO CHANGES WHICH MATERIALLY AFFECT THIS RECOMMENDATION, ISSUE THE DECISION NOTICE.**

2. INFORMATION

The application is brought to Strategic Planning Committee in accordance with the Council's scheme of delegated authority as the site exceeds 0.5ha in area and the development represents a departure from the Unitary Development Plan.

3. SITE DESCRIPTION

The application site is located off Dark Lane, Birstall and forms part of a large industrial development which accommodates Ocado to the west and a number of smaller industrial units to the east. On the opposite side of Dark Lane and to the south are a number of residential properties.

The site is flat in nature; this part of the site is currently unoccupied but is covered by hardstanding. A landscaped mound is in place to the southern boundary of the site. Access into the site is taken from Dark Lane, via the access point for the existing units to the east.

4. PROPOSAL

Permission is sought for the formation of a car park to be used for van and staff parking to serve the adjacent industrial unit to the west. This would provide 196 car parking spaces and be surfaced and marked into bays with the formation of a new vehicular access providing access internally to the existing Ocado site. A 3m high acoustic barrier is proposed to the southern boundary of the site which would result in a continuation of the existing acoustic barrier which runs to the southern boundary of the existing Ocado site.

5. BACKGROUND AND HISTORY

2016/91354 – Formation of loading dock and fuel bays, erection of escape stair and associated ground works in relation to existing car park – pending (received on 28 April 2016)

2012/91208 – Outline application for erection of industrial development – approved 11 September 2012

2007/94965 – Erection of industrial development – approved 29 February 2008

2007/91348 – Demolition of existing farmhouse and agricultural buildings and the erection of 8 no. industrial units (Mix of B2 and B8), laying out of car park, two new access/egress points and landscaping – approved 26 October 2007

6. PLANNING POLICY

The site is largely allocated for Business and Industry (Policy B2) on the UDP proposals map, with a southern section of the site allocated as a Buffer Zone (Policy B3).

Unitary Development Plan:

D2 – General development policy
BE1 – Design principles
BE2 – Quality of design
B1 – Employment needs
B2 – Allocation of land for business and industry
B3 – Buffer Zones
T10 – Highway safety
EP4 – Noise sensitive developments
EP6 – Noise generating development
EP11 – Ecological landscaping
G6 – Contaminated land

National Policies and Guidance:

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

Chapter 1 - Building a strong, competitive economy
Chapter 7 - Requiring good design

7. CONSULTATIONS

K.C. Highways Development Management: No objections

KC Environmental Services: Recommend the imposition of conditions with respect to noise, lighting and contaminated land

KC Flood Management and Drainage: No comment to make due to the scale and nature of the development

The Coal Authority: Awaiting consultation response

8. REPRESENTATIONS

The application was publicised by site notice, press advert and neighbour notification letter. Site publicity period expires on 31 March 2016.

To date, three representations have been received, and the concerns raised can be summarised as follows:

- The formation of the car park would require a considerable amount of construction requiring heavy plant and machinery which will result in noise pollution
- Residents are already subjected to noise disturbance during the night and the proposal will exacerbate this
- Proposal will provide a visual eyesore and add to an already overly developed area.
- The amount of traffic in the area of the Lowood Lane/Dark Lane junction is already far too high for the infrastructure present, due to the presence of a Morrisons/Ocado Distribution Centre

Councillor Elizabeth Smaje has raised concerns with respect to traffic movements and noise disturbance.

9. ASSESSMENT

General principle:

The majority of the application site is allocated for Business and Industry. The use of the site for B1, B2 and B8 uses would therefore be appropriate. In addition, a section of the site is allocated as Buffer Zone on the Unitary Development Plan. This runs along the southern boundary of the site adjacent to Dark Lane.

Policy B3 of the UDP states that:

“..Proposals for development within allocated areas should ensure that identified buffer zones are kept free of industrial buildings and should provide for tree planting or other means of screening within the Buffer Zone. Drainage works, car parking and facilities for employees will be permitted only where the amenity of occupiers of neighbouring land and the visual amenity of the surrounding area would not be prejudiced. All proposals affecting buffer zones should have regard to visual amenity and wildlife conservation”.

The proposed development would provide additional vehicle parking to serve the Ocado Unit to the west of the application site. The Ocado premises consist of a storage and distribution building, parking and circulation areas. Ocado undertakes grocery deliveries using vans for their own website customers and for Wm Morrison home delivery customers. The Ocado site receives products by HGV which are then distributed by delivery vans. Whilst the formation of a car park *per se* would not accord with Policy B2 of the UDP, Officers acknowledge that this would facilitate an expansion of operations at the existing adjacent site, which is used for business (B8) purposes, and therefore would be acceptable, subject to an assessment of the impact of the development upon residential and visual amenity, and highway safety. These matters are addressed below.

Impact on visual amenity:

The area surrounding the application site is mixed in nature, with residential properties located to the south.

As the proposal relates to the formation of a car park, the impact of the development on visual amenity is considered to be minimal. The proposals would involve the surfacing of the car park, marking out of bays and provision of security barriers however only the provision of an acoustic barrier would be visible from outside the site. It is noted that the combination of the acoustic barrier and landscape mound would be visually prominent when viewed from Dark Lane. However, given the industrial nature of the site, this is considered, on balance, to be acceptable. In addition, the mound and acoustic barrier would represent a continuation of the existing screening that is in place to the west which screen the existing Ocado development. Therefore, this element of the development is considered acceptable subject to the imposition of a condition requiring details of the fencing to be submitted prior to the development being brought into use. Subject to the imposition of such a condition, the proposals would accord with Policies D2, BE1 and BE2 of the Unitary Development Plan.

Impact on residential amenity:

The impact of the development arising from potential noise disturbance is a material consideration in the assessment of this application. The proposals include the provision of an acoustic fence along the southern boundary of the site, to be positioned on top of the existing landscaped mound. This would be a continuation of the existing acoustic fence which runs along the southern boundary of the industrial unit occupied by Ocado.

KC Environmental Services have been consulted on the application and concur with the general findings of a Noise Impact Assessment submitted by the applicant. However, in order to protect the occupants of nearby residential properties on Dark Lane and Ferndene Way from noise disturbance, they recommend a condition requiring the provision of the acoustic fence as stated above. In addition, KC Environmental Services recommend that a condition is imposed, should permission be granted, which restricts maximum noise levels emitted from the site during the day and night. Subject to the imposition of the conditions, the proposed development is considered to be acceptable in relation to noise and would accord with Policy D2 of the Unitary Development Plan.

Due to the nature of the development, there is likely to be a requirement for some form of illumination of the proposed car park, which could have the potential to impact upon the residential amenity of neighbouring occupiers. A condition is therefore recommended by KC Environmental Services which would require the submission of a scheme to control any glare or stray light.

Subject to the imposition of the conditions recommended above, Officers consider that the proposed development would have no significant detrimental impact on residential amenity and would accord with Policies D2, BE2, EP4 and EP6 of the Unitary Development Plan.

Highway issues:

The existing Ocado premises have direct access onto Ferndene Walk whilst the application site takes access off Dark Lane. Dark Lane is an adopted single lane carriageway which connects to the primary route network via a standard priority junction with the A62 Gelderd Road.

The development is required to accommodate an intensification of use of the existing home delivery service. The development will provide additional parking for 60 vans, 73 cars and 1 HGV, no increase in floor area is proposed for the existing building. It is also proposed that the business will employ an additional 120-130 staff.

With respect to the highway impact of the development, the intensification of use and additional parking spaces created by the development will generate additional vehicle movements which may impact on highway safety and capacity. However, it is the additional traffic generation over and above that anticipated from the existing use and previously approved development which is required to be assessed.

The application is supported by a Transport Statement (TS) prepared by HY Consulting, which provides operational information for the existing home delivery service. This indicates times and numbers of deliveries, peaks in staff arrivals and departures and turning counts on the highway network. KC Highways Development Management has reviewed the information provided in addition to the existing available accident data, and considers this to demonstrate that the local highway network currently operates within its design parameters.

The above data and survey information has been used to forecast additional traffic generation and movements created as a result of the proposed development. Deliveries from the site follow set patterns and take place over two shifts with peak time for deliveries being outside the usual highway peaks on the highway network. From the TS the largest increase in traffic would occur between 14:00 and 15:00 when it is forecast that one vehicle will enter/leave the site every minute. This is not considered to be significant in highway capacity terms as these movements are outside highway peak times. A similar traffic pattern exists for morning deliveries between 06:00 and 07:00 which, again, is outside standard peak times and raises no significant concerns.

When assessing the increase in parking provision of the employees on the combined sites, a comparison can be made to the previous permission for 2787 m² of B8 floor space on the application site. At that time, a specific traffic generation figure was considered to be acceptable for that size and

type of use. The proposed development will generate a similar amount of traffic with minor changes in traffic patterns and size of vehicles. As such, Officers consider that the proposed development is also acceptable in terms of highway impact.

The TS includes existing queue surveys in the peak hours on the Dark Lane and Gelderd Road junctions which showed some queuing in the morning and evening peaks which is normal during these periods.

The TS has submitted accident data for the area around the proposed development which indicated that there have been 5 reported injury accidents in the last 5 years, 2 of which were serious and 3 were slight. Taking into account that this data includes a junction on the classified highway network this is relatively low indicating no underlying road safety issues in this location.

The TS indicates that the site is in a relatively accessible location in terms of access to public transport. The submitted plans indicate that cycle and motorcycle parking will be provided within the car parking area which provides access to non-car modes of transport. Officers recommend the imposition of a condition, should permission be granted, for the submission of a Travel Plan to encourage the use of non-car modes of transport.

The proposed development meets Council parking standards and includes disabled parking provision. In addition, the TS has provided swept path analysis for the internal access arrangements which is found to be acceptable. The swept path analysis also includes both access points onto the highway network and again this is found to be within acceptable parameters.

In conclusion, Officers consider that any additional traffic generated by the development over and above that which previous permissions would generate can be safely accommodated on the highway network. Car parking and access arrangements are acceptable and there are no underlying road safety issues around the application site. On this basis, Officers consider that the proposed development would accord with Policies D2, BE1, BE2 and T10 of the Unitary Development Plan.

Drainage:

The site is located within Flood Zone 1. Due to the scale and nature of the development, the Council's Flood Management and Drainage Team raise no objection to the development.

Contaminated Land:

The applicant has submitted a Phase 2 Contaminated Land Report dated 23/01/2007 as part of the application. As the report is 9 years old, Officers consider that this will not consider any recent activities at the site or changes in policy guidance. Furthermore, the site is located in proximity to a number of other sites which have been identified on the Council's mapping system as

potentially contaminated due to previous use as landfill sites. On this basis, Officers recommend the imposition of a condition requiring further details to be submitted should contamination be encountered during the course of the development. This would ensure that the proposed development would meet the requirements of Part 11 of the NPPF.

The site is located within both a Low and High Risk Area as defined by the Coal Authority. Comments are awaited from the Coal Authority and will be reported in the update.

Objections:

The concerns raised in representations related to the impact of the development on residential amenity and highway safety. These matters are addressed above.

Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF as a whole constitute the Government's view of what sustainable development means in practice. It is considered that the proposed development is in accordance with the principles of sustainable development.

The application has been assessed against relevant policies in the development plan and other material considerations. The proposals are considered to be compliant with the policies in the Unitary Development Plan and there are not adverse impacts which would outweigh the benefits of the scheme

9. RECOMMENDATION

GRANT CONDITIONAL FULL PLANNING PERMISSION SUBJECT TO DELEGATION OF AUTHORITY TO OFFICERS

TO:

- 1. RESOLVE OUTSTANDING COMMENTS FROM THE COAL AUTHORITY**
- 2. IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS WHICH MAY INCLUDE THOSE LISTED BELOW; AND**
- 3. SUBJECT TO THERE BEING NO CHANGES WHICH MATERIALLY AFFECT THIS RECOMMENDATION, ISSUE THE DECISION NOTICE.**

Conditions:

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice except as may be required by other conditions attached to this permission, which in all cases shall take precedence.

3. Details of an acoustic barrier as referred to in Section 6.0 of the Noise Impact Assessment produced by S&D Garritt shall be submitted to and approved in writing by the Local Planning Authority before development commences. The development hereby approved shall not be brought into use until construction of the acoustic barrier has been completed and those works shall be thereafter retained.

4. Noise emitted from the site shall not exceed:

55 dB LAeq (1 hour) from 0700 hours to 2300 hours and

40 dB LAeq (30 mins) from 2300 hours to 0700 hours

on any day when measured in line with the facades of the nearest residential properties.

5. A scheme which indicates the measures to be taken for the control of any glare or stray light arising from the operation of artificial lighting shall be submitted to and approved in writing by the Local Planning Authority before development commences. Thereafter the artificial lighting shall be installed and operated in accordance with the approved scheme.

6. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the Local Planning Authority, works on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

7. The development hereby permitted shall not be brought into use until the car park shown on the permitted plans has been provided, surfaced, sealed, marked out and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded in accordance with the permitted plans and the car park shall thereafter be retained for that purpose for the occupiers of and visitors to the development.

8. The development hereby permitted shall not be brought into use until cycle storage facilities have been provided in accordance with details that have been approved in writing by the Local Planning Authority. The approved facilities shall thereafter be retained.

9. A travel plan shall be submitted to and approved in writing by the Local Planning Authority before the development is brought into use. The travel plan shall include measures to improve and encourage the use of sustainable transport. The measures will include as a minimum:

- the provision of 'live' and other bus/train information;
- provision of METRO passes;
- car sharing facilities
- the upgrade of bus stops and shelters where necessary;
- the introduction of working practices to reduce travel demand and
- the provision of on-site cycle facilities and information.

The Travel Plan will include details of when these measures will be introduced.

To support the promotion of the use of sustainable modes the travel plan will also include: how the travel plan will be managed; targets aimed at lowering car use, particularly single occupancy trips, from/to the site; a program for monitoring the travel plan and its progress and how the travel plan and its objective of more sustainable travel will be promoted. The approved travel plan shall thereafter retained.

10. The following electric vehicle charging points shall be provided before the development is brought into use and retained thereafter:

- one electric vehicle charging point for every ten parking spaces

Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32 Amps. The electric vehicle charging points so installed shall thereafter be retained.

LIGHTING SCHEME FOOTNOTE

The scheme should include the following information:-

- 1) The proposed design level of maintained average horizontal illuminance for the site.

- 2) The predicted vertical illuminance that will be caused by lighting when measured at windows of any properties in the vicinity.
- 3) The proposals to minimise or eliminate glare from the use of the lighting installation
- 4) The proposed hours of operation of the lighting

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours Mondays to Fridays
 08.00 and 13.00hours , Saturdays

With no working Sundays or Public Holidays
 In some cases, different site specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

This recommendation is based on the following plans and specification schedule:-

Plan Type	Reference	Version	Date Received
Site Location Plan	014201_100		24.02.16
Existing Site Plan	014201_101		24.02.16
Proposed Site Plan	014201_102		24.02.16
Transport Statement	15141/February 2016	Rev A	24.02.16
Phase II Ground Investigation Report	January 2007		24.02.16

Application No: 2015/93827

Type of application: 62m - FULL APPLICATION

Proposal: Demolition of existing buildings and erection of food retail unit (A1) with associated site works, parking, access and landscaping

Location: Former Kirklees College, Portland Street, Huddersfield, HD1

Grid Ref: 414059.0 416823.0

Ward: Newsome Ward

Applicant: M Sexton Wiggett Construction/Kirklees College, Lidl (UK) GmbH, c/o agent

Agent: Bill Davidson, P4 Planning Ltd

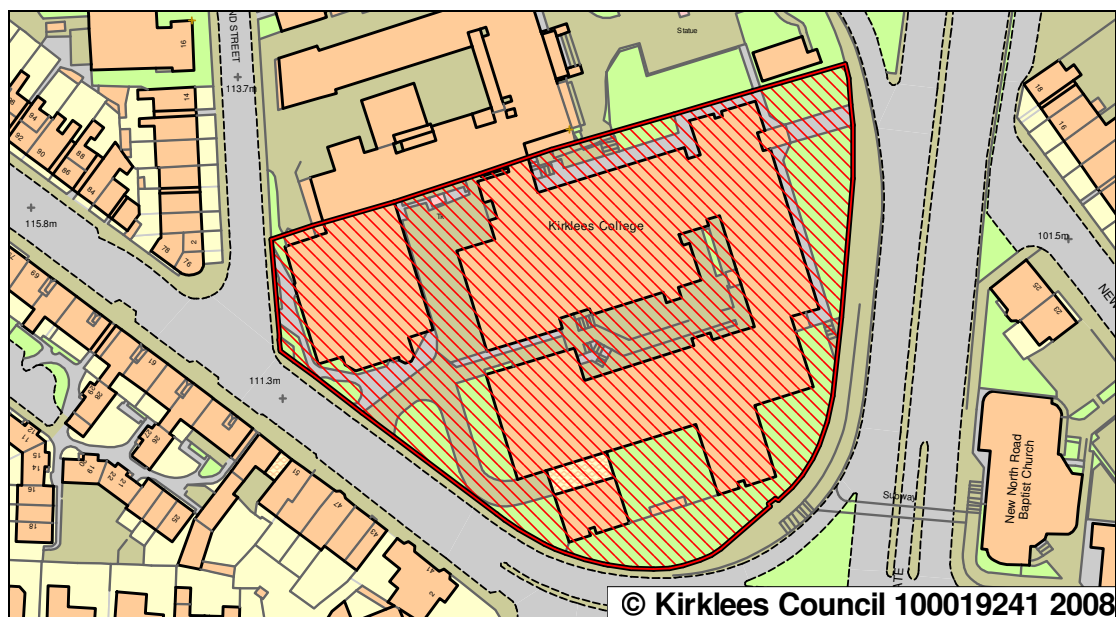
Target Date: 02-Mar-2016

Recommendation: ASD-CONDITIONAL FULL APPROVAL SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY OF APPLICATION

Application Details		
Type of Development	Retail	
Scale of Development	1.13 ha	2,575 sq m (GEA)/ 2,470 sq m (GIA)
No. Jobs Created or Retained	13 existing plus an extra 20-30	
Policy		
Unitary Development Plan	Site unallocated	
Independent Viability Required	No	
Representation/Consultation		
Individual Support (No.)	Nil	
Individual Objection (No.)	2	
Petition	N/a	
Ward Member Interest	N/a	
Statutory Consultee Objections	None	
Contributions		
• Affordable Housing	N/a	
• Education	N/a	
• Public Open Space	N/a	
• Other	N/a	
Other Issues		
Any Council Interest?		
Planning Pre-application advice?	Yes	
Pre-App Consultation Undertaken?	Yes	
Comment on Application		

RECOMMENDATION: GRANT CONDITIONAL FULL PLANNING PERMISSION SUBJECT TO DELEGATION OF AUTHORITY TO OFFICERS TO:

- 1. IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS WHICH MAY INCLUDE THOSE LISTED BELOW; AND**
- 2. SUBJECT TO THERE BEING NO CHANGES WHICH MATERIALLY AFFECT THIS RECOMMENDATION, ISSUE THE DECISION NOTICE.**

2. INFORMATION

The application is brought to Strategic Planning Committee in accordance with the Councils agreed scheme of delegated authority as the application seeks permission for retail development of more than 1250 sq m gross floorspace and as the site area exceeds 0.5 ha.

3. PROPOSAL/SITE DESCRIPTION

Site Description

The site is 1.13 ha in area with prominent frontage onto Trinity Street and Castlegate. The site currently accommodates part of the former Kirklees College campus which has been vacant since 2013, when the College relocated to a new campus facility at Waterfront.

The existing buildings are predominantly 1970's system built concrete tower blocks and sit within an important and highly visible site on the edge of Huddersfield Town Centre.

Adjacent the application site is the former Royal Infirmary, a Grade 2* listed building with a statue of King Edward VII, a Grade 2 listed structure that sits within the grounds to the front of the former hospital.

Whilst the former hospital buildings and grounds sit within the wider Greenhead Park Conservation Area, the application site itself is outwith the Conservation Area, but clearly adjacent to it.

There are a number of trees to the Castlegate frontage together with a significant retaining wall. The site falls significantly from west to east with a change in level of approx. 8m across the site. There is an existing vehicle access off Trinity Street, but only pedestrian access off Castlegate. There is also a subway link to the site from the town centre.

Collectively the whole of the site has been branded as Trinity Central. The current proposal is presented as the first phase and a catalyst for the comprehensive regeneration of the site.

Proposal

The proposal involves the demolition of the 1970's academic buildings (which will effectively remove all the built form from the southern third of the site) and the erection of a new retail store. The store will be single storey with a monopitch roof. The total gross internal floor area proposed is 2,470 sq m.(net sales area of 1424 sq.m)

This is not a speculative development proposal. The retail unit proposed would be occupied by Lidl who are a joint applicant.

Lidl currently operates two stores within the Huddersfield area: Manchester Road, Huddersfield and Wakefield Road, Huddersfield. The proposed development would result in a relocation and expansion of the company's Manchester Road operation and is intended to fulfil their expansion objectives in this location and part of Lidl's overhaul of its national retail estate.

The new building is sited on the southern part of the site, essentially backing onto Castlegate. At this point the boundary with Castlegate is formed by a substantial retaining structure and landscaped embankment, as such the rear

of the building will not be particularly visible from Castlegate. The retail frontage faces west and east with the store entrance being to the south west corner of the building.

Vehicular access to the site is taken from Trinity Street (using the existing point of access) and serves the car park and store servicing. Because of the level differences the access would ramp down into the site. Egress would be to Portland Street via a ramped access that would run to the boundary of the site with adjacent former Royal Infirmary building.

A section of segregated cycleway is proposed to the Trinity Street frontage of the site.

161 parking spaces are provided including disabled parking and parent and child spaces, together with 36 cycle bays and hoops as well as trolley storage.

The new store is intended for occupation by Lidl who propose to relocate from their existing Manchester Street store. The 13 existing staff will transfer with an additional 20-30 jobs to be created.

Hours of use proposed are 07.00am - 10.00pm Monday to Saturday; 08.00am - 08.00pm Sundays and Bank Holidays.

4. BACKGROUND AND HISTORY

No relevant history

5. PLANNING POLICY

Kirklees Unitary Development Plan:

D2 – Unallocated land
BE1 – Design principles
BE2 – Quality of design
BE5 – Preservation/enhancement of conservation areas.
BE6 – Infill sites
BE11 – Materials
BE16 – Shop fronts
BE20 – Access to buildings
BE21 – Access to open space
BE22 – Parking spaces for people with disabilities
T10 – Highway safety
T16 Pedestrian safety within developments
T19 – Parking standards
G6 – Land contamination
S1 – Town Centres/Local Centres shopping
S4 – Large stores
TC1 – Enhancing the role of the Huddersfield Town Centre

National Planning Policy Framework

Part 2 Ensuring the vitality of town centres

Part 4 Promoting sustainable transport

Part 7 Requiring good design

Part 8 Promoting healthy communities

Part 10 Meeting the challenge of climate change, flooding and coastal change

Part 11 Conserving and enhancing the natural environment

Part 12 Conserving and enhancing the historic environment

6. CONSULTATIONS

KC Highways – The proposal is considered acceptable from a highway point of view subject to the appropriate S106/conditions to the secure land to be vested to the Highway Authority for future cycle infrastructure works, off-site highway works to provide the site accesses with Portland Street and Trinity Street, and all associated works (including land along the site frontage with Trinity Street and pedestrian/cycle access off Castlegate) to be provide cycle/pedestrian routes, the internal accesses, circulation, and parking layout.

KC Environmental Health – Recommend conditions relating to site remediation, noise and air quality.

KC Conservation and Design – No objections to the removal of the existing buildings and the scale of the replacement. This will have a positive effect on the setting of neighbouring listed buildings and the character of the Conservation Area. Amended elevation details have been secured to improve the appearance of the building and to accord with the design specific concerns expressed by Historic England

Yorkshire Water Authority – Recommend conditions if application is approved

KC Flood Management and Drainage – Recommend conditions

The Environment Agency- No objections refer the applicant to informatives relating to site remediation and ground water treatment

Coal Authority – No objections

Police Architectural Liaison Officer – No objections in principle. Security measures for the store and associate car principle

Historic England – Welcome the replacement of the unlisted 1970's College tower blocks and the replacement with a single storey building. This will significantly improve the setting of adjacent grade 2* listed former infirmary building and the statue of King Edward VII.

On the specific design of the new building recommend improved elevation treatments to the north and eastern elevations to provide a more active frontage and a complementary palette of materials and landscaping.

Statutory Amenity Societies – No responses received

7. REPRESENTATIONS

The site has been advertised by site notices and letters. The applicant also undertook a pre application consultation exercise.

Three representations have been received expressing concern that:

- the scheme involves demolition of a listed building and this should be resisted
- the proposed access and egress onto an already very busy Trinity Street is unsafe
- A safe cycle crossing of the ring road should be secured as part of the development

Huddersfield Civic Society:

Object to the proposal. The loss of the existing buildings is not opposed however a retail outlet is not an adequate reuse for this “iconic” site. If any building is to be allowed it should be constructed entirely of natural stone, as the site is within the town centre and adjacent a Conservation Area.

8. ASSESSMENT

General principle:

In terms of retail policy, the site is considered to be in an edge of centre location.

As such the proposal will need to satisfy the sequential test in order to justify an edge of centre rather than in centre location. Within the existing centre (as defined by the Councils Supplementary Planning Guidance for large new stores) there are no sites of sufficient size that are suitable and available to accommodate a new retail development of the size and scale proposed with associated the parking and servicing.

The site is also considered to be well connected to the town centre via the existing subway and pedestrian crossings. Improvements to the subway will be secured as part of any planning permission thereby helping to strengthen links between the town centre and the development site and encourage linked trips.

As such it is considered that the development proposed satisfies the sequential test.

Retail impact:

The site is located to the north of the Huddersfield town centre approx. 60m from the Primary Shopping Area, as such the site is considered to be an edge of centre location rather than in centre and as such the use of the site for a foodstore would need to satisfy the requirements of the sequential test and impact test commensurate with the size of the proposed store (i.e. 2,470 sq.m with a net sales area of 1,424 sq.m).

The Council is not aware of any suitable and available alternative sites in the Huddersfield town centre or a better connected edge of centre site than that proposed.

Policy TC1 of the Unitary Development Plan relates to enhancing the role of the town centre, by amongst other matters improving the range and quantity of shopping, encouraging employment opportunities, improving the quality of the built environment and open spaces, and enabling development opportunities.

Whilst on the edge of the town centre, the development proposed will extend and improve the range of shopping, deliver additional employment significantly improve the quality of the built environment and help to facilitate regeneration of the balance of the site.

Impact on amenity:

The site is located adjacent to the Greenhead Park Conservation Area and adjacent to the Grade 2* listed former Royal Infirmary and statue of King Edward VII, a Grade 2 listed structure that sits within the grounds to the front of the former hospital.

The site is in a prominent location adjacent to the Huddersfield ring road on a major approach into the town from the M62 to the northwest.

The existing tower block buildings are not listed and are considered to be of little visual merit. Their demolition is not therefore objected to and it is considered that it will make a positive impact to the character and appearance of the neighbouring area, the setting of the neighbouring listed buildings and the adjacent Conservation Area.

Given the level differences across the site, the application site is considerably lower than the neighbouring former hospital site.

The listed former hospital building, and in particular the rear wing is largely screened by the existing tower blocks. Demolition of the tower blocks will open up views of the listed building, particularly from the south. This affords considerable improvement to the setting of the listed buildings and their associated spaces.

The replacement building on this site, whilst not within the Conservation Area, will need to respect the settings of the listed buildings and the Conservation Area. The proposed building would be single storey and sited on the eastern part of the site, i.e. the lowest part of the site.

Given the levels difference between application site and the ground level of the listed buildings, the finished roof height would be well below first floor level of the listed buildings. As such in terms of siting and massing, it is considered that the proposed development respects the setting of the neighbouring listed buildings and statue, and whilst not in the Conservation Area, the significantly reduced scale and discrete setting would have a positive effect on the character of the Conservation Area.

The new building would be low rise with relatively light weight materials and this is considered to be an acceptable approach to redeveloping this site. Amendments have been negotiated with respect to the mix of materials and improvements to the elevation treatments. The amendments introduce an additional stone plinth to the west elevation, an improved mix of glazing along the western and southern frontages and the incorporation of a stone plinth and pillars to the eastern elevation to frame recessed render panels together with glazing. The amendments represent the necessary detailed improvements and also address the detailed concerns expressed by Historic England.

When viewed from Trinity Street the building will be low rise and have an active and busy frontage. The active frontage is now extended further around the southern elevation and the improved material mix and introduction of a stone plinth and pillars on the eastern elevation is welcome. There is also an area of planting and a grassed banking between Castlegate and the eastern elevation. At present there are some trees at the bottom of the bank, but it is proposed to introduce additional tree planting /landscaping along this boundary.

As such it is considered that the design of the building is acceptable, the scheme represents a significant visual enhancement for the existing buildings and respects the setting and character of the listed buildings, their curtilages and the Conservation Area and therefore accords with the guidance contained in parts 7 and 11 of the National Planning Policy Framework i.e. "Securing good design" and "Conserving and enhancing the historic environment".

Ground Remediation; Noise and Air Quality

Ground remediation:- The application has been accompanied by a Phase 1 geo environmental survey, and it is considered satisfactory. It identifies the need for further investigation to inform the final remediation. These matters will be dealt with by the imposition of relevant conditions.

Noise:- The applicants have submitted a noise assessment with the application. This considers the impact of the use in terms of the background

noise from plant, and also delivery noise, in relation to the nearest noise sensitive properties, which are located on Trinity Street and New North Road. The report is considered to have been carried out satisfactorily and recommends mitigation in the form of the provision of an acoustic barrier, surrounding the plant area, and to mitigate against nuisance from delivery noise, no deliveries between midnight and 7.00 am. Both the acoustic barrier and hours of delivery restriction are recommended to be conditioned.

Air Quality:- The application includes an Air Quality Impact Assessment, which concludes that there will be negligible impact from the development. However mitigation and improvement should be delivered as part of the new development, in the form of the provision of low emission charging points. Also in accordance with the West Yorkshire Low Emissions Strategy Planning Guidance, improvements can be delivered in a number of ways, including for example the encouragement of use of alternative modes of transport, both in terms of a Travel Plan or physical provision. There will be a travel plan condition that will cover the operation of the store, but also a new stretch of cycle way is being provided along the site frontage, and this will be delivered by condition.

Flood Risk & Drainage:

The site is located within Flood Zone 1 (i.e. the area least likely to flood) however as the site area is in excess of 1ha, a Flood Risk Assessment (FRA) has been submitted, which also considers the issue of surface water run-off.

The site is currently occupied by a number of tower blocks formerly occupied by the Kirklees College and the vast majority of the site is covered with hard standing, with 3 small areas of neutral grassland on the perimeter of the site. As such, in accordance with Council policy, any new development should deliver at least a 30% reduction in the current run off rate. The drainage strategy submitted with the FRA identifies a reduction of 30% run off with the provision of onsite attenuation tanks to store and regulate that.

There has been no objection from the Environment Agency, and Yorkshire Water has recommended conditions in the event of an approval to ensure adequate levels of run off reduction are achieved, together with accurate identification of run off points, connections and the provision of appropriately located oil/ petrol interceptors given that a substantial part of the site will be car parking.

It is considered that these issues can be satisfactorily addressed with the imposition of detailed pre commencement conditions.

Bio-diversity:

The application is accompanied by a Habitat Survey, which is considered to have been carried out to a satisfactory standard. This identifies the vast majority of the site as bare ground (ie hardstanding for cars/ pedestrians), with

some small areas of neutral grass and planted shrub. The application site , I itself is of little value in terms of habitat, but there are a number of trees on the periphery ,that are to be retained , and in the event of approval there will be an landscape scheme to be submitted across the site, which would seek to augment the existing tree planting on the Castlegate frontage.

It is considered that the proposal will provide an opportunity to deliver some bio diversity enhancement across this portion of the Trinity Central site, without prejudice to the potential refurbishment of the neighbouring listed buildings.

Crime Prevention:

In order to minimise the potential for crime and disorder certain measures need to be in place to address the specific risk that is associated with such developments, and to gain the support of West Yorkshire Police for the application.

Types of crime and disorder that the development could be vulnerable to include:

- Car crime
- Offences relating to the safety of shoppers, staff and other visitors
- ATM crime
- Cash collection crime
- Robbery
- Overnight burglary

The West Yorkshire Police Architectural Liaison Officer requests that details of crime prevention measures to be included are submitted to the Local Planning Authority for approval prior to development commencing.

In particular, details of boundary treatments to the site, external lighting, external CCTV coverage to include the whole of the car park, so that no areas are hidden from view, and so that all car parking spaces are viewed, possible future location of an ATM, the area designated for Cash in Transit vehicles and the service yard area.

It is proposed that these matters be secured by way of condition.

Highway issues:

With reference to the amended plans, including drawing number P4021_0005 Rev G and the submitted Transport Assessment prepared by SK Transport Planning, Kirklees Highways Development Management (HDM) has undertaken the following review:

Access:

The development site would be accessed via two access points:

A ramped one-way vehicle exit up onto Portland Street which would have a footway running along the full length of the northern side.

The second vehicle access would be off the A640 Trinity Street with the right turn out of the site being banned, with a footway also running along the full length of its northern flank. To facilitate an acceptable site access and to reduce the probability of conflicting movements, the following design measures are proposed:

- a) A right turn lane which will maintain the free flow of northbound traffic
- b) Pedestrian crossing points to be enhanced/provided before and after the right turn lane
- c) The two southbound running lanes reduced in width to provide one running lane
- d) A mandatory 'keep clear' yellow hatched box
- e) The current delineated cycle lane would be upgraded to provide physical segregation in main from Portland Street southbound down to the sub-way.
- f) The right turn out of the site would be banned

(Note: Together with land along the eastern part of the site frontage being vested to the Highway Authority for additional cycle infrastructure works, these measures would provide a much needed safe section of segregated cycle infrastructure on this part of the busy highway network and would marry up with the CityConnect cycle route proposals)

A Stage 1 Road Safety Audit including a designer's response for the proposed the site access junction with A640 Trinity Street and is considered to be acceptable for the basis of carrying out the detailed design which would be conditioned. Note: Only the principle of the design is accepted and the detail will have to be agreed as part of a Section 278 agreement with Kirklees Council.

Parking:

The proposed car park would provide 157 car parking spaces including 4 disabled parking, and 4 parent with children parking spaces. It is recommended that at least 2 parking spaces should have electric/hybrid vehicle charging points. Although the total car parking provision falls below Kirklees Council's parking standards by about 20 spaces (based on 1 space per 14sq.m gross floor area), it is acknowledged that the site is located adjacent to the bus station/town centre; is within walking distance of good public transport links and a dense residential catchment area; and in the event of the car park being oversubscribed it is unlikely to cause a hazard on the highway given the length of the internal access roads.

36 cycle spaces would also be provided, which should be reduced to 20 spaces to enable 6 anchored motor cycle spaces to be provided and located in an area with good natural surveillance.

Servicing arrangement:

Service vehicle swept path analysis of turning manoeuvres of a 16.5m long articulated vehicle has been carried out at the access points with Trinity Street and Portland Street, and within the site and are considered to be acceptable.

Development Vehicle Trips:

The Transport Assessment presents the estimated trip generation for the proposed development site.

Assessment using the industry standard TRICS database indicates that the proposed development is forecast to generate around 54 inbound and 29 outbound vehicle trips in the morning peak and 65 inbound and 86 outbound vehicle trips in the evening peak period.

The base traffic flows along A640 Trinity Street are circa 1,800 two-way vehicles during both the AM peak and PM peak.

Forecast arrivals and departures are set out in Table 1. The traffic estimation shown below does not include a discount for the existing traffic generated by the LIDL store that would be locating.

Table 1: Peak Hour Vehicle Trips

	Weekday AM Peak		Weekday PM Peak	
	Arrivals	Departures	Arrivals	Departures
Total	54	29	65	86
	83		151	

The Transport Assessment indicates that the trip distribution and assignment for the proposed development trip generation has been based on existing turning proportions on the approach arms to the junctions that were surveyed within the study area. The report indicates the trip distribution at the site access road is 50% turning left and 50% turning right at the site access junction with A640 Trinity Street.

The applicant has undertaken junction modelling using PICADY software for priority junctions namely Site Access/A640 Trinity Street; A640 Trinity Street/Portland Street; A640 Trinity Street/Fitzwilliam Street and LINSIG modelling of the A640 Trinity Street/Castlegate signalised junction. The modelling was undertaken for the AM and PM peak periods for the base year 2016 and design year 2020.

Highways Development Management Conclusion:

Given the above, the proposal is considered acceptable from a highways point of view subject to the appropriate arrangements to the secure the following:

- a) The land to be vested to the Highway Authority for future cycle infrastructure works.
- b) Off-site highway works to provide the site accesses with Portland Street and Trinity Street, and all associated works (including land along the site frontage with Trinity Street and pedestrian/cycle access off Castlegate) to be provide cycle/pedestrian routes.
- c) The internal accesses, circulation, and parking layout. Including the provision of 6 anchored motorcycle spaces, and at least 2 electric/hybrid vehicle charging points.

Objections:

The objections identify two main areas of concern:

The development adversely affects the listed building; the proposed materials should be stone and the building proposed should be more 'iconic'.

Response: The buildings to be demolished aren't listed and are considered to be somewhat of an eyesore. Their removal opens up views of the neighbouring listed building and the statue, which in itself represents a considerable enhancement to the Conservation Area. The scale and design of the new building has purposely been designed to retain the view of the neighbouring listed buildings that are considered to be of significant value in terms of their heritage interest and contribution to the street scene.

The access proposed is onto a very busy road, and improved cycle links across and from the site should be provided.

Response: Amendments have been negotiated improving the access arrangements onto Trinity Street and securing a segregated cycleway to be provided along the Trinity Road frontage.

Conclusion:

This application relates to a site which is considered to be in a well-connected edge of town centre location and forms part of a larger site and complex of buildings branded as Trinity Central.

The location and scale of the new retail unit are considered to be acceptable in terms of retail policy and guidance in the NPPF. There is no objection to the removal of the existing college buildings, which are unattractive tower blocks, rather there is a benefit in their removal as this will open up views of the neighbouring listed buildings and statue which are of significant heritage and amenity value. The new store building is sited to the lowest part of the site and is intentionally of low profile and is designed so as to avoid competition with the neighbouring listed group of buildings. As such it is considered that the new building would not adversely affect the setting of the neighbouring listed group, nor does it prejudice the future reuse and regeneration of the balance of the Trinity Central site. The development has the potential to act as a catalyst for the regeneration of the Trinity Central site.

Access arrangements onto Trinity Street have been the subject of extensive negotiation. The improvements secured will provide for a segregated cycleway along the Trinity Street frontage.

Issues of potential noise nuisance, decontamination, drainage and air quality have all been satisfactorily addressed and are the subject of conditions.

The grant of conditional full planning permission is therefore recommended.

9. RECOMMENDATION

RECOMMENDATION: GRANT CONDITIONAL FULL PLANNING PERMISSION SUBJECT TO DELEGATION OF AUTHORITY TO OFFICERS TO:

- 1. IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS WHICH MAY INCLUDE THOSE LISTED BELOW; AND**
- 2. SUBJECT TO THERE BEING NO CHANGES WHICH MATERIALLY AFFECT THIS RECOMMENDATION, ISSUE THE DECISION NOTICE.**

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.
2. The development hereby permitted shall be carried out in complete accordance with the approved plans and specifications except as may be required by other conditions.
3. No development of the retail food store shall take place until sample facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority, the development shall be constructed of the approved materials.
4. No development of the retail food store shall take place until details of all boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the hereby approved development coming into operation, and shall be retained thereafter.
5. No development shall take place until a comprehensive scheme for landscaping treatment of the site prepared in accordance with the Local Planning Authority's Code of Practice Note 2 has been submitted to and approved in writing by the Local Planning Authority.
6. Any planting, seeding or tree management works forming part of the landscaping scheme referred to in Condition 5 shall be carried out during the first planting, seeding or management season following the commencement of development, or as otherwise may be agreed in writing by the Local Planning Authority, and shall be maintained for a period of five years from the completion of planting works. All specimens which die within this period shall be replaced.

7. The net sales area of the retail food store hereby permitted shall not exceed 1424sqm including, for the avoidance of doubt, any mezzanine floor space. (The net sales area within the building includes all internal areas accessible to the consumer but excludes lobbies, restaurants/cafes, customer toilets and walkways behind checkouts). Within the total net sales area hereby permitted, no more than 25% shall be used for the sale of comparison goods.

8. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition, development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the local planning authority.

9. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 8 development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the local planning authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

10. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 9. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the local planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

11. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the local planning authority. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the local planning authority.

12. Before development of the retail food store commences details of an acoustic barrier to the plant area as recommended by the Acoustic Report ref 8832/1421/01 date November 2015 by PDA Ltd, shall be submitted to and approved in writing by the Local Planning Authority. The use hereby approved shall not commence until the construction of the acoustic barrier has been completed and those works shall be retained thereafter.

13. There shall be no deliveries to or dispatches from the premises outside the hours of 07.00 and 00.00 Monday to Friday; 08.00-00.00 Saturdays; and 10.00-20.00 Sundays or Bank Holidays.

14. Before development of the retail food store commences a scheme detailing the provision and siting of low emission vehicle charging points within the scheme shall be submitted for the written approval of the Local Planning Authority. The approved scheme shall be implemented prior to the development hereby approved coming into use.

15. Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage should not be passed through any interceptor.

16. Development shall not commence until a scheme detailing foul, surface water and land drainage (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/ diverted /abandoned and percolation tests where appropriate) has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not be brought into use until the agreed drainage scheme has been completed, and shall thereafter be retained.

17. The development hereby permitted shall incorporate measures to minimise the risk of crime and meet the specific security needs of the development site. Details of the measures to be incorporated shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing, shall be implemented before the development is first occupied and thereafter shall be retained throughout the lifetime of the development.

Detailed highway conditions to cover the following matters:

- The land to be vested to the Highways Authority for the future cycle infrastructure works;
- Off-site highway works to provide the site accesses with Portland Street, and all associated works (including land along the site frontage with Trinity Street and pedestrian/ cycle access off Castlegate) to provide cycle pedestrian routes;
- The internal accesses, circulation and parking layout, including the provision of 6 motorcycle spaces and at least 2 electric/ hybrid vehicle charging points;
- The submission of a scheme to improve the appearance/lighting of the subway passage under Castlegate which forms the pedestrian link from the site to the town centre

This recommendation is based on the following plans and specification schedule:-

Plan Type	Reference	Version	Date Received
Proposed site plan	P42021_0004	G	26/4/16
Proposed elevations	P42021_0007	D	26/4/16
Proposed floor plans	P42021_0006	A	1/11/15
Site Sections	P42021_0009	B	26/4/16
Car Park layout/ access and tracking	SK2157-37 SK2157-38 SK2157-39 SK2157-40		28/4/16 28/4/16 28/4/16 28/4/16
Design and Access Statement			1/11/15
Planning and Retail Statement			1/11/15
Flood Risk Assessment	8/1201/FRA_A		1/11/15
Noise Assessment	8832/1421/01		1/11/15
Transport Assessment			April 2016
Extended Phase 1 Habitat Survey			1/11/16
Heritage Statement			1/11/16
Tree / Arboricultural Survey	MG/5121/TSR/NOV2015		1/11/16
Phase 1 Desk Top Study	10/0801/001		1/11/15
Coal Mining Risk Assessment	10/0801/002 NLR		1/11/15
Statement of Community Involvement			1/11/15

Application No: 2015/93898

Type of application: 60m - OUTLINE APPLICATION

Proposal: Outline application for erection of restaurant, retail outlet and hotel

Location: Owl Lane, Shaw Cross, Dewsbury, WF12 7QJ

Grid Ref: 426220.0 423021.0

Ward: Dewsbury East Ward

Applicant: Peter Wade Consultancy

Agent:

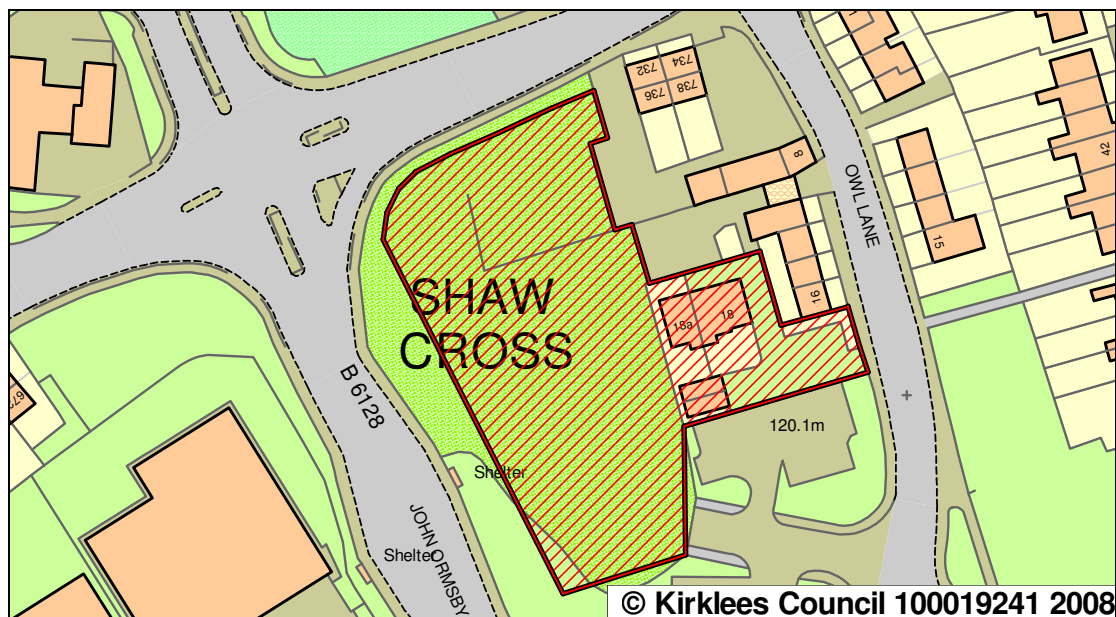
Target Date: 17-Mar-2016

Recommendation: RF1 - REFUSAL

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY OF APPLICATION

Application Details		
Type of Development	Retail and restaurant/ bar	
Scale of Development	0.39ha	1,010 sq m
No. Jobs Created or Retained	Not known	
Policy		
UDP allocation	Business and Industry	
Independent Viability Required	N/a	
Representation/Consultation		
Individual Support (No.)	Nil	
Individual Objection (No.)	One	
Petition	N/a	
Ward Member Interest	None	
Statutory Consultee Objections	None	
Contributions		
• <i>Affordable Housing</i>	N/a	
• <i>Education</i>	N/a	
• <i>Public Open Space</i>	N/a	
• <i>Other</i>		
Other Issues		
Any Council Interest?	No	
Planning Pre-application advice?	No	
Pre-App Consultation Undertaken?	No	
Comment on Application	<p>The application is for a leisure/ retail use on a site which is allocated for business and industry.</p> <p>The site is not considered to be within or adjacent to either a town or local centre as such the sequential approach needs to be applied. It has not been demonstrated that there are no suitable sites for leisure/ retail use in either Dewsbury or Batley town centres. As such the proposal is contrary to Policy S1 of the Unitary Development Plan and part 2 of the NPPF “Ensuring the vitality of town centres”.</p>	

RECOMMENDATION: REFUSE

2. INFORMATION

This application is brought to Strategic Committee in accordance with the Councils scheme of delegated authority.

3. PROPOSAL/SITE DESCRIPTION

Site Description

The application site comprises an area of 0.39 ha and is located at the junction of Leeds Road and John Ormsby VC Way with frontage onto Owl Lane. On the eastern edge of the site are a number of terraced properties including both dwellings and businesses. To the south of the site there is an office building (occupied by an insurance company) with an associated car park which is accessed off Owl Lane.

The site is currently fenced off and is in an unkempt and overgrown condition. Within the SE corner of the site, to the rear of existing buildings is a pair of semi-detached dwellings (18 and 18a Owl Lane) which are also accessed off Owl Lane.

The site is allocated for business and industry on the Councils Unitary Development Plan and it is approx. 2km north east of Dewsbury Town Centre and 1.8km south east of Batley Town Centre.

Proposal

The application seeks outline planning permission for a mixed use development comprising a bar, restaurant and 3 no retail units. This will take the form of a 2 storey building that would be an 'L' shape with frontages onto both Leeds Road (the retail units) and onto John Ormsby VC Way (the restaurant/ bar). Access to the site would be via an existing drop crossing from Owl Lane (this would involve the removal of the 2 existing dwellings 18 and 18a Owl Lane) and a car park area of 69 spaces is proposed.

Whilst the application is in outline, access, layout, scale and appearance are applied for at this stage with only landscaping reserved for subsequent consideration.

As originally submitted this scheme included a hotel element (15 no bedrooms) with an additional floor. This however has been deleted as part of the amended submission.

4. BACKGROUND AND HISTORY

2004/90778 – Outline application for hotel. Approved

2006/92257 – Reserved Mattes for a hotel. Approved

2004/95207 – Erection of a pair of semi-detached dwellings. Approved

2012/90415 – Amendment to one of the dwellings – Approved

The 2 dwellings have been built.

5. PLANNING POLICY

National Planning Policy Framework

- Part 1. Building a strong and competitive economy
- Part 2. Ensuring the vitality of town centres
- Part 4. Promoting sustainable transport
- Part 7. Requiring good design
- Part 8. Promoting healthy communities
- Part 10. Meeting the challenge of climate change, flooding and coastal change.
- Part 11. Conserving and enhancing the natural environment

Unitary Development Plan

- B2 – Land for business and industry (this site is a small portion of allocation Allocation B10.1, the majority of which has been developed as Shawcross Business Park).
- S1 – Town Centres/Local Centres shopping.
- BE1 – Design principles
- BE2 – Quality of design
- BE23 – Crime prevention
- G6 – Land contamination
- T10 – Highway safety
- T19 – Parking standards

6. CONSULTATIONS

KC Highways – Additional information was directed for at an early stage of this application. The information received with the amended plans, including the Transport Assessment and Travel Plan is insufficient to enable the Highways DM Service to carry out a proper assessment.

KC Environmental Health – Insufficient information received regarding the decontamination/ remediation of the site. Other concerns regarding noise, odours and lighting are capable of being dealt with via condition

KC Strategic Drainage – No objections recommend conditions in the event of an approval.

The Environment Agency – No objections refer the applicant to informatives on ground contamination and drainage.

The Coal Authority – The site does not fall within a high risk coal mining area therefore no observations.

KC Ecology – No objections. The site is of no particular habitat value. Recommend conditions in the event of an approval, however the uses location are problematic relating to provision of bird/bat boxes.

Police Architectural Liaison Officer – Whilst this is an outline application layout is applied for. No objections in principle, but the car park should be appropriately lit and secure and robust fencing/ boundary treatments should be provided.

7. REPRESENTATIONS

The application has been publicised by site notices and neighbour notification letters.

One representation has been received. The main concerns being:

- The site has remained undeveloped for some years and has become an eyesore some form of restoration is desirable and necessary;
- The scheme would involve the removal of existing houses;
- Comments relating to the proposed hotel element of the scheme which has now been deleted.

8. ASSESSMENT

General Principle:

The application as amended (with the deletion of the proposed hotel) is for a mixed use of retail and a restaurant/ bar. The location is at the junction of Leeds Road/ John Hornsby VC Way, Shaw Cross, which is nearly 2 km outside of both Dewsbury and Batley town centres. Shaw Cross is not a recognised local centre nor is it an edge of centre site.

Policy S1 of the Kirklees Unitary Development Plan states: *“Town and local centres will remain the focus of shopping, commercial, cultural and social activity and priority locations for environmental enhancement”*.

Part 2 of the National Planning Policy Framework “Ensuring the vitality of town centres”, indicates that local authorities should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality.

Retail and leisure uses (i.e. the restaurant/ bar) fall into this category and are recognised town centre uses. Given that the site is in an out of centre location and paragraph 24 of the National Planning Policy Framework, the applicant is required to undertake a sequential assessment to consider whether there are vacant units or land within either the Dewsbury or Batley town centres that could accommodate this level of retail/ leisure use.

The applicant has submitted a letter detailing a search undertaken with local estate agents concluding that there are no suitable sites for this development within the neighbouring centres.

It is considered that there are a significant number of vacant retail units and sites available in both Dewsbury and Batley town centres that would be in a sequentially preferable location to the application site. As such it is considered

that the proposal does not satisfy the sequential test required by paragraph 24 of the National Planning Policy Framework and as such it is contrary to the guidance contained in part 2 of the NPPF “Ensuring the vitality of town centres” as well as Policy S1 of the Kirklees Unitary Development Plan.

The site is part of an allocation for business and industry on the UDP which has been largely developed out for business and industry. Paragraph 22 of the NPPF indicates that Councils should avoid the long term protection of sites that are unlikely to come forward for employment use. This site is part of a much larger allocation for Class B1; B2 and B8 use, the balance of which has been delivered. This particular site is isolated from the main allocation and since 1999 there have been permissions for alternative uses including 2 new dwellings. As such there is no objection in principle to the use of the site for non-business and industry uses, however it is considered that for the reasons mentioned above, the retail/leisure use is inappropriate and that local and national policies ensuring the vitality of neighbouring town centres should take precedence in this case.

Highways Issues:

Additional information regarding the Transport Assessment and Travel Plan has been requested. The additional updated transport information received (even whilst based upon a reduced scheme eliminating the hotel element) is not considered to satisfactorily provide the level/ type of information needed for KC Highways DM to adequately carry out an assessment of the proposal.

Previously a plan was provided that identified proposals for the improvement of the Leeds Road/ Challenge Way signalised junction. These improvements necessitate the dedication of a small piece of land within the applicants red line as highway; this has not been shown on the amended plan.

Based upon the floor area of the proposed restaurant, in addition to the retail units, the level of parking provision identified (i.e. 69 spaces) is substantially less than the Councils adopted parking standards and some of these spaces would need to be lost to provide adequate servicing/delivery for both the shops and the restaurant.

As such the proposal fails to provide sufficient information to enable an adequate assessment of the proposal or the effects it may have on the surrounding road network. It would therefore be contrary to Policies T10 and T19 of the Kirklees Unitary Development Plan.

Impact on Amenity:

Visual Amenity

The application site is currently in an unkempt and neglected condition. Development of the site with an appropriate scale and form of building would be a benefit in terms of visual amenity. The proposed building is 2 storeys with frontages onto both Leeds Road and John Ormsby VC Way. The

proposed siting is considered to be acceptable as is the scale and appearance of the building. As such in terms of visual amenity the proposal is considered to be acceptable and accords with Policies BE1 and BE2 of the Kirklees Unitary Development Plan.

Residential Amenity

The nearest dwellings to the proposed building are nos.18 and 18(a) Owl Lane, which are to be demolished. The properties which flank the site to the east on Owl Lane and Leeds Road are a mix of residential and business use, the building to the south is an office development and on the opposite side of John Ormsby VC Road is an industrial estate. The site is essentially on an island bounded by three busy roads. The site is allocated for business and industry use, it is considered that use for retail and or a pub/ restaurant would not lead to unacceptable levels of noise and disturbance for the nearest remaining residents. As such no objections are raised with respect to respect to effect on residential amenity.

Drainage:

The site is located in an area classified as Flood Zone 1 (i.e. the area least likely to flood). Given the sites limited size (0.39 ha) a Flood Risk Assessment is not required and there have been no objections raised by KC Flood Risk & Drainage who recommend conditions in the event of approval.

The site is largely overgrown and unkempt, but appears to have been previously developed and as such it is considered that the level of surface water run-off from the site should be reduced by 30%, to be secured by condition.

Contamination/remediation; Noise; Odours and Lighting:

Contamination/ Remediation -

The site is brownfield with known contamination issues. Whilst a phase 2 intrusive site investigation has been undertaken, insufficient information has been provided to enable an adequate assessment of the scheme to be undertaken.

Noise/odours/ lighting -

With the removal of the hotel element the remaining retail/ restaurant uses are less sensitive in respect of noise. As such there is no objection to the principle of the development having regard to noise that cannot be satisfactorily dealt with via condition.

Likewise with the restaurant use, details of the extract ventilation system could be required by condition.

Similarly details a lighting scheme for the site and the car park may be secured by condition.

As such it is considered that the amenities of neighbouring properties to this site could be satisfactorily protected by the imposition of appropriate conditions.

Bio- diversity:

The site contains areas of hard standing as well as scrub land and is considered to be of little ecological value, as such there is no objection to the redevelopment of the site. The appearance of the site could be improved by additional landscaping, particularly to the western and southern perimeters which could afford an opportunity for some bio diversity enhancement.

Crime Prevention:

The proposal identifies a significant area of parking to the rear of the proposed building, this area also backs onto a number of existing premises on Owl Lane. As such appropriate lighting and security measures (including CCTV) and a robust boundary treatment should be incorporated as part of any future development. These details should be secured by condition in the event of an approval.

Conclusion:

The application is for a mixed retail/ leisure use on land which is allocated for business and industry on the Kirklees Unitary Development Plan and which is considered to be in an out of town centre location. Both retail and leisure are town centre uses as defined in the National Planning Policy Framework, and accordingly a sequential search needs to be undertaken and satisfied to ascertain if there are any sequentially preferable sites available within existing town centres (in this case Dewsbury or Batley).

The application fails to demonstrate that there aren't any vacant, available sites or premises within both town centres that are sequentially preferable to this out of centre location. As such the proposal conflicts with Policy S1 of the Kirklees Unitary Development Plan as well as the guidance contained in part 2 of the National Planning Policy Framework " Ensuring the vitality of town centres".

It is accepted that the site is in a poor and run down condition and that it is capable of being developed which would deliver a visual enhancement to the area, however it is considered that in this case ensuring the vitality of town centres should take precedence and refusal is therefore recommended.

KC Highways DM advise that the proposal fails to provide sufficient information to enable an adequate assessment of the proposal or the effects it may have on the surrounding road network. It would therefore be contrary to Policies T10 and T19 of the Kirklees Unitary Development Plan.

9. RECOMMENDATION

REFUSE

1. The development proposed would be contrary to Policy S1 of the Kirklees Unitary Development Plan and Part 2 of the National Planning Policy Framework 'Ensuring the vitality of town centres' in that the uses proposed are recognised town centre uses in an out of centre location where there are vacant properties available within identified town centres. The development therefore fails to satisfy the sequential test and would therefore be of detriment to the vitality and viability of existing identified town centres.

2. The application submitted has failed to demonstrate that the development can be delivered without having an adverse effect on the surrounding highway network, providing adequate parking , servicing and turning within the site, and that the site can be made fit to receive the new development. As such the application is contrary to Policies T10, T19 and G6 of the Kirklees Unitary Development Plan.

This recommendation is based on the following plans and specification schedule:-

Plan Type	Reference	Version	Date Received
Design & Access Statement	PWC/1597		Dec 2015
Phase 2 Contaminated Land Report	PWC/1597		Dec 2015
Transport Assessment (updated)	PWC/1597		March 2016
Travel Plan (updated)	PWC/1597		March 2016
Location Plan			Dec 2015
Site Plan	1597/01	B	9/2/16
Ground floor plan	1597/51	B	9/2/16
First floor plan	1597/52	B	9/2/16
Roof plan	1597/54		Dec 2015
Propose elevations	1597/50	C	9/2/16

Application No: 2016/90956

Type of application: 60 - OUTLINE APPLICATION

Proposal: Outline application for erection of 3 detached dwellings with associated access

Location: Land at Abbey Road North, Shepley, Huddersfield, HD8 8DY

Grid Ref: 419907.0 410633.0

Ward: Kirkburton Ward

Applicant: Alcuin Homes (Yorkshire) Ltd

Agent:

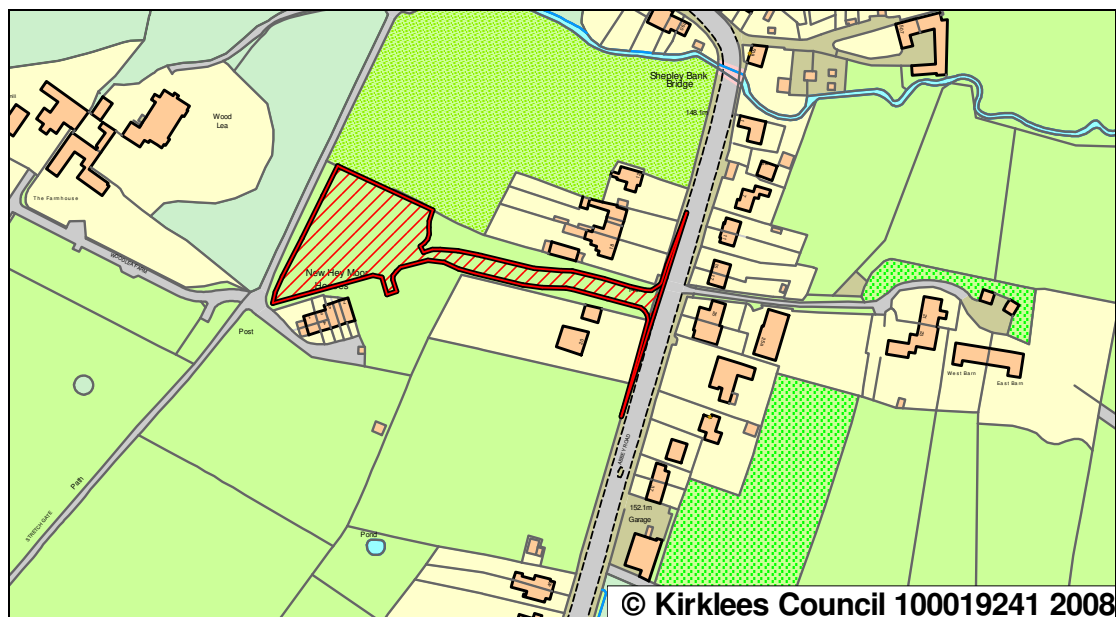
Target Date: 17-May-2016

**Recommendation: OASD - CONDITIONAL OUTLINE APPROVAL
SUBJECT TO DELEGATION TO OFFICERS**

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<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY OF APPLICATION

Application Details		
Type of Development	Housing	
Scale of Development	0.4 Ha	3 dwellings
No. Jobs Created or Retained	Na	
Policy		
UDP allocation	Business & Industry	
Independent Viability Required	No	
Representation/Consultation		
Individual Support (No.)	None	
Individual Objection (No.)	None	
Petition	Na	
Ward Member Interest	No	
Statutory Consultee Objections	None	
Contributions		
• <i>Affordable Housing</i>	Na	
• <i>Education</i>	Na	
• <i>Public Open Space</i>	£8,132	Off-site contribution
• <i>Other</i>	Na	
Other Issues		
Any Council Interest	No	
Planning Pre-Application Advice	No	
Pre-App Consultation Undertaken?	No	
Comment on Application	There is limited prospect of the site being developed for business and industry, the proposed outline development of three houses is considered to be an appropriate form of development.	

RECOMMENDATION:

GRANT CONDITIONAL OUTLINE PLANNING PERMISSION SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS TO:

1. Secure the signing of a section 106 agreement securing the provision of a sum in lieu of on site Public Open Space.
2. Impose all necessary and appropriate conditions, which may include those set out in section 9 of this agenda, and
3. Subject to there being no substantial change that would alter this recommendation, issue the decision notice

2. INFORMATION

The application is brought before Committee as the application represents a departure from the Development Plan as the site is allocated in the UDP Proposals Map for business, general industry and storage (B1, B2 and B8 Use Classes)

3. PROPOSAL/SITE DESCRIPTION

Site Description

The application site comprises a roughly triangular piece of land approximately 0.408 hectares in area. The site borders open development land to the north and east; Stretch Gate to the west; and the rear of New Hey Moor Houses to the south together with a site that is being developed for 4 houses and nearing completion. The site is allocated for business and industry on the Unitary Development Plan Proposals Map. The allocation extends to some 2.2 hectares of developable area.

The site is partially cleared in preparation for implementing extant planning approval for four dwellings on the same plot and there is a roughly surfaced vehicular access taken from Abbey Road North which serves the adjacent residential development site to the south east which is currently under construction.

There is a stone wall boundary adjacent to Stretch Gate and one mature tree which is subject to a Tree Preservation Order.

The Proposal

The application seeks outline planning permission for the erection of 3 dwellings with access and layout to be considered at this stage. Matters of scale, appearance and landscaping are reserved for subsequent consideration.

Access proposals include a private drive accessed from Abbey Road North which follows the line of a previously approved estate road and private drive which will be constructed to facilitate the dwellings currently under construction. The proposals also show individual driveways and plot 5 has an integral garage, whilst plots 6 and 7 have detached garages all suitable for 2 cars with two parking spaces.

In addition the proposed access would be shared by 7 dwellings (those subject to this application and 4 dwellings already under construction on adjacent land to the south east).

The layout shows 3 dwellings, plot 6 in the northern corner of the site, plot 7 in the eastern corner and plot 5 in the western corner.

4. BACKGROUND AND HISTORY

There are numerous planning applications associated with this site and the wider area. The most relevant are the following:

2002/91944 – Erection of 12 flats, 38 residential units and 1 office unit. Granted conditional full permission with associated section 106 agreement.

2004/91362 – Erection of two storey office units for letting with associated car parking and hard and soft landscaping. Granted conditional full permission.

2005/94621 – Removal of condition 19 (improvements to Stretchgate) on permission 2002/91944

2008/90380 – Erection of 4 office blocks and associated infrastructure. Granted conditional full permission.

2012/90078 – Formation of new access road. Granted conditional full permission.

2014/90227 – Erection of 4 dwellings with associated access. Granted conditional full permission.

2014/92459 – Discharge of conditions 6 (boundary treatment), 7 (sightlines), 10 (remediation strategy), 13 (drainage) & 16 (landscaping) on previous permission 2014/90227. Conditions satisfied.

2015/91643 – Outline approval for 4 dwellings. Conditional outline permission

2016/9011 - Reserved matters approval pursuant to 2015/91643 for erection of 4 dwellings. Approval of reserved matters

2016/90007 – Discharge of conditions 9-12 & 15-20 on previous planning permission 2015/91643 for outline application for erection of 4 dwellings. Split decision.

5. PLANNING POLICY

Kirklees Unitary Development Plan:

- B1 – Employment needs of the district
- B2 – Land for business and industry
- BE1 – Design principles
- BE2 – Quality of design
- BE11 – Building materials
- BE12 – Space around buildings
- G6 – Contaminated or unstable land.
- T10 – Highway safety
- T19 – Parking standards

National Planning Policy Framework:

- Core Strategy
- Chapter 1 – Building a strong, competitive economy
- Chapter 6 – Delivering a wide choice of high quality homes
- Chapter 7 – Requiring good design
- Chapter 8 – Promoting healthy communities
- Chapter 10 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 11 – Conserving and enhancing the natural environment

6. CONSULTATIONS

The following is a brief summary of Consultee advice (more details are contained in the assessment section of the report, where appropriate):

These comments were received in relation to the recently approved extant outline planning approval reference: 2015/91643 for 4 dwellings or adjacent site subject to planning approval (reference: 2014/90227) for 4 dwelling, except responses from Highways and Trees who have commented upon the current proposal:

K.C. Highways: No objections to the proposal based on the revised plan number 6868/030 Rev D which includes the provision of a potentially adoptable road into the development from Abbey Road North with segregated footway, subject to conditions and footnotes.

K.C. Environmental Health: No objections subject to conditions relating to contaminated land (phase I and II reports; remediation strategy; and validation report); Sustainable transport (charging plug-in for electric vehicles) and footnotes relating to construction noise, contamination and charging points.

K C Trees: No objections subject to 2 conditions which require the works to be done in accordance with the recommendations of the arboricultural statement and that evidence to show that the arboricultural supervision specified in the method statement was undertaken and approved by the local planning authority prior to the development being used.

K C Ecology: No objections subject to a biodiversity mitigation and enhancement plan based upon the findings of the ecological report, a data search, and a phase 1 habitat map to be produced as reserved matters. The plan should include amongst other things; bat and bird boxes, landscaping, removal of vegetation outside the bird breeding season; and management plan for species rich grassland.

K.C Flood Risk & Drainage: Agreed to amalgamate the drainage of phase 1 (different application) and phase 2 (this application) with a discharge to watercourse of 5l/s. This is slightly different to the submitted report. To tie

things up it is advised to add a general drainage condition DR01 if the drainage details are not amended up front.

Yorkshire Water: No comments required.

K.C Policy: Whilst not consulted with this application, they were for the adjacent site (subject to planning approval ref: 2014/90227). With that application they gave the following comments which are considered to be applicable to the current application;

The application site is a relatively small part of a larger parcel of land allocated for business use in 1999 on the saved UDP. However, given the age of the site and the lack of take up for business it is clear that the prospect for it being developed for its allocated use is limited. It is accepted therefore – given the five year land supply issue and previous permissions for housing at the site (and the wider site) – that alternative uses should be considered. In view of this and that it is a small part of the larger allocation, there would be no objection to the application.

K.C Business & Economy Team /Regeneration Team: Not consulted with this application, however they offered no objections to the adjacent site subject to planning approval (ref: 2014/90227) and as such it is thought that their comments remain applicable to the current site and proposal.

K.C. Public Rights of Way: Suggest that there should be no general access/egress for vehicular traffic to/from the site to the bridleway.

Kirkburton Town Council: No response.

7. REPRESENTATIONS

The application was advertised by neighbour letter, press notice and site notice expiring 29th April 2016.

No representations have been received.

8. ASSESSMENT

General Principle / Policy:

The site lies within a larger area of land allocated for business and industry on the UDP proposals map (allocation B4.2 – Abbey Road, Shelley), Policies B1 and B2 are associated with such land allocations; Policy B1 seeks to meet the employment needs of the district and Policy B2 identifies site specific locations for that land use.

National planning policies and local circumstances are however also material planning considerations. In this instance the National Planning Policy Framework (paragraph 22) states that planning policies should avoid the long term protection of sites allocated for employment use where there is no

reasonable prospect of the site being used for that purpose, and where this is the case, applications for alternative uses of land or building should be treated on their own merits having regard to market conditions and the relative need for different land uses to support sustainable local communities.

The application seeks planning permission for residential development, which if approved would be a departure from the Council's UDP.

In relation to the wider site (allocation B4.2), the site has been allocated for business and industry since the UDP was adopted in March 1999. Since then there has been a limited degree of interest for business development on the southern extent of the allocation (planning approvals, reference: 2004/91362 and 2008/90380 – both for office units, neither of which have been developed). However, the majority of the wider site has been subject to residential interest with planning permission granted for residential developments and one office unit (planning approval references: 2002/91944, 2005/94621).

More significantly the adjacent site to the south was granted planning permission for 4 houses reference: 2014/90227 which is under construction and nearing completion, and at the application site there is a recently approved extant outline permission for 4 houses reference: 2015/91643 and an accompanying reserved matters approval reference: 2016/90011.

Given that the office units have not come forward, together with the lack of interest in developing the entire site for business and industry, it appears that the prospect of the whole site being used for that purpose is limited.

In these circumstances paragraph 22 of the NPPF advises that the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose should be avoided. Applications for alternative uses of land should be treated on their merits having regard to market conditions and the relative need for different land uses to support sustainable communities. As the Council is unable to demonstrate a 5 year housing land supply the merits of delivering housing should be afforded significant weight in determining this application.

Policy B1 of the UDP states that the employment needs of the district will be met by (amongst other things), maintaining the stock of established business and industrial premises and sites except where they are unsuitable for business or industrial use or where there is no realistic prospect of re-use or redevelopment for such purposes. As described above the planning history and lack of interest for business and industry clearly indicate that the prospect of the site coming forward for its allocated use is limited. Given the 5 year housing land supply issue and previous planning approvals for housing on the site, it is accepted that an alternative use should be considered.

The surrounding area is to a large extent residential in character and therefore further housing would appear to be appropriate and would not conflict with established surrounding uses. In light of the above and due to it being a

relatively small part of the whole allocation site, there are no objections from a policy point of view.

The principle of housing on the site is therefore considered acceptable and in accordance with paragraph 22 of the NPPF and policy B1 of the UDP.

It should be noted that as the wider B2.4 allocation extends over 2 hectares of land if any further residential development schemes for this site come forward where the total number of dwellings including the 3 proposed currently in this application and the 4 already under construction exceed 10 dwelling, then it is likely the affordable housing policies of the Councils will come into play. This is to avoid piecemeal development.

In respect of planning policies related specifically to housing in the UDP consideration is given to whether they can be classed as 'up to date' following the publication of the NPPF. Paragraph 49 of the NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development, and relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a 5 year supply of deliverable housing sites.

In addition policies BE1 and BE1 of the UDP seek to achieve good design which is reflected in one of the core principles of the NPPF stating that planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and building'. It is also a main objective of section 7 of the NPPF, with paragraph 56 stating that 'the Government attaches great importance to the design of the built environment'.

These and other material considerations are assessed below.

Sustainability:

The NPPF states that the purpose of the planning system is 'to contribute to the achievement of sustainable development' which it goes on to describe as being 3 dimensional comprising economic; social; and environmental roles which are mutually dependent and should not be taken in isolation. The NPPF stresses the presumption in favour of sustainable development.

It is considered that the proposal would bring some economic gains by providing work for contractors and local suppliers. There would be some social gain through the provision of new housing at a time of general shortage. The development could have limited detrimental impact upon the environment and this is compensated for by the inclusion of measures advised by consultees.

Whilst the NPPF does not set out specific criteria to determine the sustainability of development, the application site is within walking distance of the nearest bus stop and Shepley train station. It is also relatively close to

schools and health facilities in Shepley or Shelley. As such it is considered to be a relatively sustainable location.

Layout / Impact upon amenity:

Visual amenity:

Policies BE1 and BE2 of the UDP are considerations in relation to design, materials and layout. The layout of buildings should respect any traditional character the area may have. New developments should also respect the scale, height and design of adjoining buildings and be in keeping with the predominant character of the area.

Layout is a matter for consideration at this stage, whilst a full assessment of the scale and appearance of the dwellings together with landscaping would be assessed as reserved matters.

The layout drawing shows three detached dwellings, one in each corner of the site. They have individual driveways from the access driveway serving this development and the development of 4 houses opposite. The longest driveway is to plot 6, positioned between the drives to plots 5 and 7.

Plots 5 and 6 have been positioned to preserve the visual amenity of a large protected tree and set in from the boundary with Stretch Gate in order to lessen their impact upon the character of the street-scene.

The layout contrasts to some extent with the established arrangement of houses in the vicinity of the site and it is considered by officers that this would add interest to the character of the area and be complementary to the traditional terraced houses and detached houses opposite. The layout is also quite similar to the previously approved outline permission for 4 houses on the same plot (reference: 2015/91643)

It is envisaged that each house could also have a mix of single and 2-storey elements and be externally surfaced in materials to match those already insitu which would assist in making the proposal blend in with the character of the area.

Each dwelling would have a double garage and off street parking for at least 2 vehicles with space to turn vehicles around within the site. In addition there is sufficient space around the buildings to enable habitable and non-habitable room windows to be formed without causing detriment to residential amenity.

Overall, it is considered that an acceptable scheme for the appearance and the scale of the development could be brought forward at reserved matters stage which would meet the requirements of policies BE1 and BE2 of the Kirklees Unitary Development Plan, and would ensure that there is no detriment caused to the visual amenity of the area.

Residential amenity:

Policy BE12 of the UDP sets out the normally recommended minimum distances between habitable and non-habitable room windows for new dwellings. New dwellings should be designed to provide privacy and open space for their occupants and physical separation from adjacent property and land. Distances less than those specified will be acceptable if it can be shown that by reason of permanent screening, changes in level or innovative design no detriment would be caused to existing or future occupiers of the dwellings or to any adjacent premises.

In addition within the core principles of the NPPF is a requirement that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

In this instance, whilst a full assessment of the scale and appearance of the dwellings, to include the positioning of windows would be considered as reserved matters, the issue of layout is being assessed at this stage.

The submitted layout plan shows a roughly triangular piece of land with plots 5 and 7 lining the southern and eastern boundary where they would border the proposed access and path, with adjacent properties at New Hey Moor Houses and dwellings on development site under construction beyond. Plot 6 is located near the northern corner of the site and adjacent to the northern boundary.

In relation to the nearest existing properties at New Hey Moor Houses the external works – phase 2 plan indicates that there would be a separation distance of at least 19 m between their rear elevations (which contain habitable room windows) and the south facing gable end elevation of plot 1. The remaining parts of the same elevation at plot 1 are set back a further 1.0m and 8.0m, so the overall distance for those elements would be at least 21.0 m. In such circumstances it is considered that it would be possible to construct a house on this layout without undue overlooking impact.

With regards to overshadowing and overbearing impact, given the separation distance detailed above and that the proposed dwelling is located to the north of the properties at New Hey Moor Houses, it is considered that there would be potential to build a house on the layout of plot 1 with very limited overshadowing or overbearing impact. Overall officers are satisfied that the layout would not adversely affect the residential amenity of the occupiers of the existing properties.

With regards to the houses at the adjacent site that is currently under construction, the external works – phase 2 plan indicates that there would be at least 15.0m between the southern elevation of plot 5 (at the application site), and the facing north elevations of plot 4 (already approved), and at least 13.0m between the nearest corner of plot 7 (at the application site) and the northern elevation of plot 1 (at the site opposite). The approved plans for the site under construction show that the facing elevations of plots 1 and 4 are

either blank or contain non-habitable room windows, so the above separations distances would be acceptable.

Given the above separation distances it is considered possible to build houses at plots 5 and 7 which would not excessively overlook the properties currently under construction. In addition, with the aforementioned separation distances and that the proposed dwellings would be to the north of the site under construction, it is considered possible to construct plots 5 and 7 without undue overshadowing or oppressive impact upon the amenities of the future occupants of the adjacent development site, but again this can be assessed in further detail when details of scale and appearance are submitted.

Within the site, the layout plan indicates that the spaces between each proposed dwelling are largely compliant with policy BE12. Where there is a shortfall it is anticipated that this could be overcome by the use of boundary fencing at ground floor level; it is also important to note that the properties do not have a direct relationship and so any impact would be lessened by an oblique angle. The layout proposed would also ensure the provision of garden space around each dwelling

With respect to distances from the proposed dwellings to any adjacent undeveloped land, the layout plan shows that the nearest part of plot 4 would be approximately 1.5m from the boundary with land to the north which is currently undeveloped. Whilst this is less than normally required by policy BE12 it is anticipated that this elevation would contain non-habitable room windows and given the size of the adjacent plot it would be possible to provide a house at plot 6 without prejudice to the development of that site. In such circumstances it is considered that the proposed dwellings would not unduly affect the residential amenities of the future use of the adjacent undeveloped land.

To conclude, it is considered that the proposal would provide an acceptable level of residential amenity for the future occupants, whilst also maintaining that of the existing surrounding residents. However, it is recommended that permitted development rights are removed for new extensions or standalone buildings within the curtilage of each dwelling to prevent over development of the site and adverse impacts upon neighbouring dwellings.

With the inclusion of such conditions the proposal would be acceptable and generally accord with policy BE12 and one of the core principles of the NPPF.

Highway issues:

UDP Policy T10 states that “New development will not normally be permitted if it will create or materially add to highway safety or environmental problems or, in the case of development which will attract or generate a significant number of journeys, it cannot be served adequately by the existing highway network”.

Policy T19 addresses car parking in relation to the maximum standards set out in Appendix 2 to the UDP. Guidance in the NPPF states under paragraph 32 that plans and decisions should take account of whether, amongst other things, “safe and suitable access to the site can be achieved for all people”.

The site is situated to the west of Abbey Road (A629) which forms one of the main links between Barnsley and Huddersfield. It is a single two-way carriageway with footpaths on both sides and street lighting. Within the vicinity of the proposed access to the site, Abbey Road is subject to a speed limit of 40 mph.

The application site is also to the east of and adjacent to Stretchgate, a single track private road between the A629 and Wood Lea Farm complex. It is also a bridleway and extends to Shepley train station without vehicular access.

The proposal has been assessed by a Kirklees Highways development management officer who finds the proposal in its current format shown on revised plan 6868/030 Rev D acceptable subject to conditions and footnotes.

The current proposal includes the provision of a potentially adoptable road into the development from Abbey Road North with a segregated footway. The proposed road will also follow the line of the previously approved estate road and will include a 5.5m wide carriageway at the site entrance reducing to 3.7m with 2 passing places along its length. In addition a turning head provides sufficient space to allow service and refuse vehicles to enter and turn within the access road. Furthermore each property will have a two car garage and two parking spaces.

This would provide satisfactory and safe access to the proposed development and accords with policies T10, T19, BE1 and BE2 of the Kirklees Unitary Development Plan.

The application site borders Stretchgate along its western boundary. This is a single track private road which becomes a footpath near the junction with a driveway to Wood Lea Farm complex; it is also a bridleway. The Kirklees Public Rights Of Way team were consulted on the previously approved outline permission at the site (reference: 2015/91643) and comment that there should be no general access / egress for vehicular traffic to / from the site to the bridleway. These comments remain applicable for the current scheme. The proposed layout and external works phase 2 drawing show that the site would be accessed from Abbey Road North and there would be no vehicular access to or from Stretchgate.

Drainage:

Chapter 10 of the NPPF (paragraph 104) states that applications for minor development such as this should not be subject to a sequential or exemptions test but should still meet the needs requirements for site specific flood risk assessments.

No details have been submitted, however comments received from the Council's Flood Risk & Drainage in relation to the previously approved outline permission (reference 2015/91643) were that it has been agreed to amalgamate the drainage of phase 1 (different application) and phase 2 (this application) with a discharge to watercourse of 5l/s. This was slightly different to a drainage report submitted with that application. To tie things up they suggest adding a general drainage condition.

In relation to the previously approved outline permission (reference 2015/91643) Yorkshire Water comment that based on the information submitted with that application (drainage statement 26th May 2015 rev A) no comments are required.

As such subject to the imposition of the recommended condition, the proposal would then comply with chapter 10 of the NPPF

Contamination; noise; air quality:

Policy G6 of the UDP states that development proposals will be considered having regard to available information on the contamination or instability of the land concerned. In addition paragraphs 120 and 121 of the NPPF reflect policy G6 in that they require planning decisions should ensure that new development is appropriate for its location and where a site is affected by contamination responsibility for securing a safe development rests with the developer or land owner.

The previously approved outline permission (reference 2015/91643) was assessed by the Council's Environmental Health section, it was noted that the site is on or adjacent to land which may be contaminated by its former use as a woollen mill. They therefore recommend the following conditions relating to the submission of a preliminary risk assessment; intrusive site investigation report; submission of remediation strategy; implementation of the remediation strategy; and the submission of a validation report.

In addition paragraph 35 of the NPPF states that 'plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore developments should be designed where practical toincorporate facilities for charging plug-in and other ultra low emission vehicles...'

They would like this development to encourage this use of ultra low emission vehicles and therefore suggest a condition to secure these facilities.

Provided that the recommended conditions are applied, then the proposal would comply with policy G6 and guidance given in the NPPF.

Other issues:

Biodiversity and trees:

Firstly with regards to biodiversity, paragraph 118 of the NPPF states “when determining applications Local Planning Authorities should aim to conserve and enhance biodiversity” by applying a number of principles. These include the conservation and enhancement of biodiversity in and around developments. UDP Policy EP11 requests that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site.

No details have been submitted with the current application, however in relation to the previously approved outline permission (ref: 2015/91643) an ecological survey and bat activity survey were provided and comments from the Council’s biodiversity officer received. They note that no bats were found to be roosting in the trees, although use cannot be ruled out so a precautionary approach to felling is recommended. There is no objection in principle to the proposed outline development but request that data search and phase 1 map be provided as part of biodiversity mitigation and enhancement plan (including measures to protect and manage or compensate for the loss of any species rich grassland – which is feasible).

They went on to say that the biodiversity mitigation and enhancement plan should include the following: guidance on timing of vegetation clearance; precautionary soft felling approach to tree removal; the retention of the remaining mature tree; 4 bat boxes to the new dwellings and 2 bat boxes on the retained tree; 2 bird nesting boxes suitable for starlings on boundary trees; 2 sparrow terraces integral to the new dwellings; details of security lighting; a management plan for species rich grassland (subject to further details and phase 1 habitat map); details of fencing which should not impede free movement of hedgehogs.

It is recommended that these requests are again included in the recommendation as a combination of conditions and footnotes.

With regards to trees, policy NE9 of the UDP states that development proposals should normally retain mature trees within an application site.

In this instance, the site accommodates one mature tree (with Tree Preservation Order status) adjacent to the boundary with Stretch Gate which contributes to the visual amenity of the area. The application has also been submitted with an arboricultural method statement.

The Council’s arboricultural officer has been consulted and has no objection to the proposal subject to 2 conditions which require the works to be done in accordance with the recommendations of the arboricultural statement and that evidence to show that the arboricultural supervision specified in the method statement was undertaken and approved by the local planning authority prior to the development being used.

Provided that this is conditioned is applied then the proposal would need the requirements of policy NE9 and BE2 of the UDP.

Public open space:

The site area is over 0.4ha and the Council's policy H18 regarding provision of Public Open Space applies.

Outline planning approval (reference 2015/91643) at the same site was granted with the same condition and subsequently a unilateral undertaken was agreed, submitted and approved for a sum of £10,843.00. (This was calculated on the basis of £37,950 for 14 dwellings and re-adjusted for the provision of four dwellings).

It is considered appropriate to use the same methodology in this instance. The current application is for 3 dwellings and therefore the sum is adjusted to £8,132.

This will be secured by section 106 agreement as set out in the recommendation and heads of terms have been agreed.

Representations:

None.

Conclusion:

There is limited prospect of the site being developed for its allocated (industrial) land use and the proposed outline development of three houses is considered to be an appropriate form of development.

The layout of the houses would be in keeping with the character of the area and subject to conditions the proposal would not have a harmful effect upon residential amenity; highway safety; or protected species. It is considered that a scheme could be brought forward at reserved matters stage which would not have a detrimental impact upon residential and visual amenity.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. It is considered that the proposed development is in accordance with the principles of sustainable development.

This application has been assessed against relevant policies in the development plan and other material considerations. The proposals are considered to be compliant with the policies in the Unitary Development Plan and there are no adverse impacts which would outweigh the benefits of the scheme.

9. RECOMMENDATION

GRANT CONDITIONAL OUTLINE PERMISSION SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS TO:

- 1. Secure the signing of a section 106 agreement securing the provision of a sum in lieu of on site Public Open Space.**
- 2. Impose all necessary and appropriate conditions, which may including those set out in section 9 of the agenda, and**
- 3. Subject to there being no substantial change that would alter this recommendation, issue the decision notice**

Conditions:

1. Approval of the details of the appearance, scale, and landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the appearance, scale and landscaping of the site shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.
3. Application for approval of any reserved matter shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
5. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order with or without modification) no development included within Classes A, B, C, D or E of Part 1 of Schedule 2 to that Order shall be carried out within the application red line.
7. The internal road and adjacent footway shall be completed in accordance with the scheme shown on 6868/030 rev D before any building is brought into use and retained thereafter.

8. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

9. Development shall not commence until a scheme detailing foul, surface water and land drainage, (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned, and percolation tests, where appropriate) has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the dwellings relate and thereafter retained.

10. Development shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) has been submitted to and approved in writing by the local planning authority.

11. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 10 development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the local planning authority.

12. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 11 development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the local planning authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

13. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 12. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise approved in writing with the local planning authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the local planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

14. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the local planning authority. Unless otherwise approved in writing with the local planning authority, no part of the site shall be brought into use until such time as the remediation measures for

the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the local planning authority.

15. Notwithstanding the submitted details, a scheme to show how the development shall incorporate facilities for charging plug-in electric vehicles shall be submitted to and approved in writing by the Local Planning Authority before development commences. All works which form part of the approved scheme shall be completed prior to occupation of the development and thereafter retained.

16. The details of 'appearance' to be provided pursuant to conditions 1 and 2 shall include the provision of the following:

- two sparrow terraces installed integral to a suitable aspect elevation(s) of each new dwelling.
- one bat tube (Schweglar type 1FR or similar) fitted integral to a suitable southerly aspect elevation of each new dwelling.

The bird and bat nesting opportunities shall be provided before the dwellings are first occupied and retained thereafter.

17. Notwithstanding the submitted plans and information, details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved first comes into use. These shall be designed so as not to impede the free movement of hedgehogs. The approved boundary treatments shall then be implemented before the development hereby approved first comes into use and retained thereafter.

18. The details of 'landscaping' to be provided pursuant to conditions 1 and 2 shall include a biodiversity mitigation and enhancement plan (including a data search and phase 1 habitat map). The plan shall include the following:

- A precautionary soft felling approach to tree removal which should include inspection of features with potential for roosting bats immediately prior to felling. If bats are found then felling must cease immediately and the advice of licensed bat worker sought.
- The retention of the remaining mature tree, boundary hedges/shrubs where removal is not required to accommodate building or access and native species tree/shrub planting around the site boundary to enhance and develop habitat networks within and beyond the site.
- 2 Schewglar 1FF bat boxes or similar and two woodcrete nest boxes suitable for starlings fitted on the retained mature tree
- Details of artificial lighting including security lighting. Note that there should be no light spillage into tree habitats and corridors and lighting should be designed to be minimise impacts on bat foraging habitats.
- A management plan for the species rich grassland (subject to further details and phase 1 habitat map) along the access track to be retained outside of the gardens and managed to retain biodiversity interest.

Thereafter, the development shall be carried out in complete accordance with the biodiversity mitigation and enhancement plan.

19. The development shall be completed in accordance with the advice and directions (recommendations) contained in the Arboricultural Method Statement, reference (James Royston 131103C MS). These shall be implemented and maintained throughout the construction phase and retained thereafter.

20. Before first occupation, the developer shall provide written and/or photographic evidence to the Local Planning Authority to demonstrate that the arboricultural supervision specified in, the Arboricultural Method Statement, reference (James Royston 131103C MS) was undertaken. The development shall not be brought into use until this evidence has been approved in writing by the Local Planning Authority

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 0800 7318765) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: Vegetation clearance should be undertaken outside of the bird breeding season, March to August inclusive. If any clearance work is to be carried out within this period, a nest search by a suitably qualified ecologist should be undertaken immediately preceding the works. If any active nests are present work which may cause destruction of nests or, disturbance to the resident birds must cease until the young have fledged.

NOTE: All contamination reports shall be prepared in accordance with CLR11, PPS23 and the Council's Advice for Development documents or any subsequent revisions of those documents.

NOTE: The Local Planning Authority would be satisfied with 1 charging point per unit (dwelling with dedicated parking) or 1 charging point per 10 spaces (unallocated parking).

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours Mondays to Fridays

08.00 and 13.00hours , Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

This recommendation is based on the following plans and specification schedule:-

Plan Type	Reference	Version	Date Received
Location plan	Dwg no. 600	Rev A	22.03.2016
Site layout plan	Dwg no. SK01- 14.03.16	Rev D	22.03.2016
External works phase 2	Dwg no 6868/030	Rev D	22.03.2016
Supplementary information: Design and Access Statement			22.03.2016
Supplementary information: Planning Policy and Employment Land Statement			22.03.2016
Supplementary information: Arboricultural Method Statement by James Royston	Ref: 131103C MS		27.04.2016

Application No: 2016/90072

Type of application: 62 - FULL APPLICATION

Proposal: Alterations to and change of use of existing garage workshop building to waste transfer station building

Location: Low Mills, Low Mill Lane, Ravensthorpe, Dewsbury, WF13 3LX

Grid Ref: 421849.0 419785.0

Ward: Dewsbury West Ward

Applicant: Mike Harty, Biffa Waste Services Ltd.

Agent:

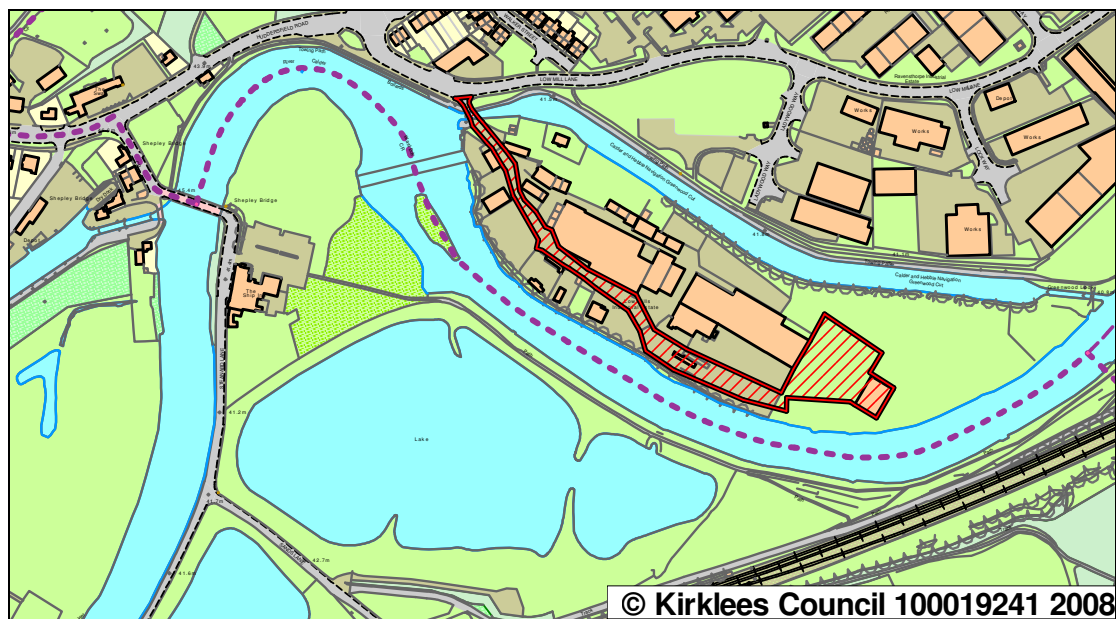
Target Date: 26-May-2016

Recommendation: ASD-CONDITIONAL FULL APPROVAL SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

1. SUMMARY OF APPLICATION

Application Details	
Type of Development	Waste Transfer Station (food waste)
Scale of Development	Site area. 0.7ha.
No. Jobs Created or Retained	None but will help to secure existing employment
Policy	
UDP allocation	Part Business or Industry, Part unallocated
Independent Viability Required	N/A
Representation/Consultation	
Individual Support (No.)	0
Individual Objection (No.)	0
Petition	0
Ward Member Interest	None
Statutory Consultee Objections	None
Contributions	
• <i>Affordable Housing</i>	N/A
• <i>Education</i>	N/A
• <i>Public Open Space</i>	N/A
• <i>Other</i>	N/A
Other Issues	
Any Council Interest	No
Planning Pre-Application Advice	No
Pre-App Consultation Undertaken?	No
Comment on Application	It is considered that this proposal is acceptable subject to appropriate planning conditions and securing funding to repair/protect the canal bridge providing access to the site

RECOMMENDATION: Grant conditional full permission subject to the delegation of authority to officers to:

- (i) Impose all necessary and appropriate conditions
- (ii) Secure a suitable method to provide adequate funding from the applicant to:
 - Repair existing damage to the canal bridge providing access to the site
 - Provide satisfactory additional bridge protection measures

(iii) and, subject to there being no substantive changes to alter this recommendation, to issue the decision notice

2. INFORMATION

The application is brought before the Strategic Planning Committee (SPC) in accordance with the Councils scheme of delegated authority as the site area exceeds 0.5 ha and the development proposed is non-residential.

3. PROPOSAL/SITE DESCRIPTION

The application site is located approximately 750m south west of the centre of Ravensthorpe and forms part of a larger operational waste transfer station which currently involves the transfer of waste paper and cardboard. At present the site accommodates an existing building which is used as a vehicle workshop and includes the site access which in total occupies an area of approximately 0.8ha. The site is located on what is effectively an island and is bounded by the River Calder to the south and west and by the Calder and Hebble navigation to the north and east. The only access to the site is via a single track bridge which spans the Calder and Hebble navigation.

The applicant proposes carry out alterations to the on-site garage workshop to facilitate a change of use from its current use to a waste transfer station for the bulking up and transfer of food waste.

The applicant has indicated that this proposal would involve minor alterations to the building elevations and roof which would include the installation of two additional roller shutter doors and increasing the eave height of the building by approximately 1 metre. This is to accommodate the heavy vehicles required. Once bulked up the waste would be transported to specialist anaerobic digestion facilities in order to generate energy.

The food waste would come from local and regional collections from offices, shops, schools, hospitals, etc. and would be brought to the site for bulking up into larger body vehicles. The loads would be brought into one of the 2 proposed middle doors and deposited on the floor in the tipping bay. On an hourly basis the loading shovel would enter the shed through one of the middle doors and pick the material and reload it into a purpose-built food waste trailer with sealed doors and cover sheet which would be located in either bay 1 or bay 4. The stand trailers would be monitored by staff and CCTV cameras enabling the monitoring of the trailers to check when they are becoming full. When the trailers are reaching capacity a HGV would be routed to the facility with an empty trailer and take away the full trailer leaving the empty trailer behind.

It is expected that the proposed transfer station would operate at around 200t per week (approximately 10,000tpa) which would equate to 25 import loads of food waste per week in 8t loads and 10 export loads of bulked food waste per week in 20t loads. This would equate to 70 HGV movements (in and out total)

per week or 12 HGV movements (in and out total) per day (based on a 6 day working week).

It is anticipated that the proposed transfer station could potentially operate at up to 300t per week (approximately 15,600tpa) if it proves to be very successful which would equate to 38 import loads of food waste per week in 8t loads and 15 export loads of bulked food waste per week in 20t loads. This would equate to 106 HGV movements (in and out total) per week or 18 HGV movements (in and out total) per day (based on a 6 day working week). The existing transfer station is a long established facility and the approach roads that link the site to the principle highway network are suitable as demonstrated through the use of the wider site as a waste transfer station with its associated HGV movements.

4. BACKGROUND AND HISTORY

Historically the land and building concerned has formed part of a wider waste transfer business which the applicant already operates. It is considered that the following planning applications are relevant to this proposal:

2001/91403 – Erection of office building (approved 18.10.01)

2002/92836 – Erection of two steel portal framed buildings for storage (approved 15.10.02)

2004/93148 – Use of land as waste transfer station (approved 16.2.05)

2006/90393 – Erection of steel framed portal extension to existing industrial building (approved 13.3.06)

2007/90645 – Erection of three bay extension to industrial building (approved 19.6.07)

5. PLANNING POLICY

The statutory development plan comprises the Unitary Development Plan (UDP). This report will refer only to those policies of the UDP 'saved' under the direction of the Secretary of State beyond September 2007.

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The Local Plan process is underway and the public consultation on the draft local plan took place from 9th November 2015 to 1st February 2016.

The National Planning Policy Framework explains how weight may be given to policies in emerging plans. At this point in time, the draft local plan policies and proposals are not considered to be at a sufficiently advanced stage to

carry weight in decision making for individual planning applications. The Local Planning Authority must therefore rely on existing policies (saved) in the UDP and national planning policy and guidance”.

The site is allocated as suitable for business and industry use in the adopted Unitary Development Plan and it is considered that the following policies and documents are relevant to this application:

Unitary Development Plan

B2 – Sites allocated for business and industry

EP4 – Noise sensitive development

T10 – Which requires that new development does not detrimentally affect highway safety

WD1 – Indicates that land will be made available for storage and transfer, treatment and recycling and final disposal of waste within the district

WD7 – The use of sites for the receipt, storage, processing and transfer of waste

National Policy Documents

NPPF Section 1. Building a strong, competitive economy

NPPF Section 10. Meeting the challenge of climate change, flooding and coastal change

NPPF Section 11. Conserving and enhancing the natural environment

Planning Practice Guidance – Waste

National Planning Policy for Waste

6. CONSULTATIONS

K C Highways – No objections subject to a condition requiring turning facilities to be implemented prior to the development being occupied

K C Environmental Services – No objections subject to a planning condition which requires that if contamination not previously identified is found then appropriate remediation measures are implemented to deal with it.

K C Flood Risk and Drainage – No objections

Environment Agency – No objections subject to a planning condition requiring the development being carried out in accordance with the supporting flood risk assessment including details of the provision of flood evacuation measures.

The Canal and River Trust – No objections subject to:

- The applicant providing additional bridge protection to the canal bridge

- The applicant funding the repairs for the existing damage to the canal bridge

Yorkshire Water – No objections

7. REPRESENTATIONS

This application was publicised by the posting of 3 site notices in the vicinity of the site, the mailing of 25 neighbourhood notification letters and an advertisement in the local press. No representations were received as a result of this publicity.

8. ASSESSMENT

General principle:

Much of the application site is allocated in the Council's adopted Unitary Development Plan for business and Industry with the remainder being unallocated. It is therefore considered that any development within this area of Ravensthorpe should primarily accord with the aims of policy B2. Whilst this proposal would serve a site which has a sui generis use not falling within use classes B1, B2 or B8, it is an industrial process and it is therefore considered that it does not conflict with the objectives of UDP policy B2 which is designed to safeguard land for use for commercial and business purposes.

Appendix A of the National Planning Policy for Waste contains the waste hierarchy which all local waste authorities must consider when assessing waste related developments. Although this indicates that the most effective environmental solution to the generation of waste is waste prevention, it also indicates that other recovery of waste is a better option than waste disposal. The other recovery of waste involves its use to replace other materials that would otherwise have been used. In this case the applicant has indicated that the waste material would be used to generate energy via anaerobic bio-digestion which would therefore substitute the need for primary fuel sources such as gas, coal, wood etc. Planning Authorities are encouraged to take a positive approach when considering applications to use appropriate sites for dealing with waste in ways which accord with the aforementioned hierarchy. In this instance, as the waste would ultimately be used in connection with the generation of energy, it can be considered to constitute a re-use of materials.

With regard to the NPPF, there is a presumption in favour of sustainable development. In this case, the proposal would see the use of food waste as a substitute fuel resource for the generation of energy therefore diverting it away from its normal destination which would be landfill. Bearing in mind that food waste is a significant waste stream which is continually produced and must be satisfactorily managed, it is considered that this proposal would provide an opportunity to manage this type of waste in a sustainable way.

This development is therefore considered to be acceptable in principle subject to there being no conflict with policy WD7 contained in the Unitary

Development Plan or policy guidance contained in the NPPF or associated national policy documents.

UDP policy WD7 states:

Proposals for the use of land for the receipt, storage, treatment including incineration and recovery of useful materials and transfer of waste including the use of land as a scrapyards will normally be permitted where:

- i the visual impact of the proposals does not cause detriment to residential properties and the quality of the landscape or townscape setting;
- ii provision can be made for the suppression of noise, dust, odour, smoke and flue gas emissions from the site so that the amenity of occupiers of adjacent properties, in particular residential properties, is protected;
- iii contamination of land and pollution of groundwater and surface water, on and off the site, can be prevented;
- iv access, vehicle manoeuvring and customer and employee car parking arrangements can be accommodated without prejudice to highway safety and maintenance; and
- v sites do not adjoin land permitted or allocated for any use which would be adversely affected by the proposed use.

Impact on amenity:

Visual Amenity

The site is relatively remote and not easily overlooked from the surrounding area, although public rights of way allow members of the public to walk along the opposite river bank and, at their closest, are approximately 80m from the proposed site building. However, existing vegetation around the boundary of the site and along the adjacent river bank help to filter views and offer a reasonable screen. The nearest residential properties are approximately 300m to the north west and 300m to the south west and views from these and other more distant properties are screened by existing vegetation or existing buildings or a combination of both. Furthermore it is proposed to carry out all operations within the existing on-site buildings which would therefore reduce any associated visual impact. It is therefore considered that, bearing in mind the existing use of the wider site and neighbouring commercial uses, this

proposal would not have a significant additional impact on the visual amenity of the area.

Noise

Waste would be transported to the site by heavy vehicles and noise will therefore be generated by the vehicles themselves and during the unloading and working of the waste. However, as previously indicated the nearest residential properties are located approximately 300m from the on-site building and therefore unlikely to suffer from any significant levels of noise nuisance as a result. The applicant has indicated that in order to reduce the emission of noise, the doors of the building where unloading and bulking up would take place, would be kept closed except to allow the entry and egress of vehicles and plant. Furthermore the applicant's existing noise management measures, which would be applied to this development, include the following:

- All Site staff would be instructed on noise control measures during their inductions.
- Signage would be used around the site reminding all staff of the need to keep all noise to a minimum.
- Horns on vehicles and plant would not be used.
- Engines would not be 'revved' unless absolutely necessary.
- All mobile plant or vehicles on site would switch off their engines when stationary (unless specifically required to facilitate the servicing of vehicles).
- Vehicle speeds within the site would be restricted to a maximum of 15mph.
- Loud voices or foul and abusive language is not tolerated.
- Doors to the building would be closed outside of normal working hours.

Odour and Dust

The applicant has indicated that the food waste from local collections is generally fresh waste and therefore presents a lower odour risk and that the fast turnaround of the waste would reduce further the potential for the generation of odours before the waste is bulked up and transferred from the site. As the waste would be transferred within the on-site building, any odours would therefore be confined which would mitigate any associated impact. The applicant has provided an odour management plan which details how any offensive odours at the site would be dealt with and the procedures to be adopted should any complaints be received. It is therefore proposed to require that should planning permission be granted then the site is operated at all times in accordance with the aforementioned plan.

Due to the nature of the waste involved, this proposal is unlikely to generate dust and it is therefore considered dust emission is unlikely to be a problem with regard to this proposal.

The Council's Pollution and Noise Control Team was consulted with regard to this proposal and did not raise objections. It is therefore considered that, on balance, this proposal does not conflict with UDP Policies EP4, and WD7 or policy guidance contained in Section 11 of the NPPF with regard to its potential impact on the amenity of the area.

Environmental Impact:

Local Ecology/Biodiversity

Due to the nature of the application site, it currently offers little opportunity for local ecology or biodiversity other than existing vegetation on the periphery of the site. This proposal would not involve disturbing this existing vegetation.

It is therefore considered that this proposal accords with UDP policy WD7 and Section 11 of the NPPF with regard to its potential impact on local biodiversity.

Pollution/Contamination

This type of development has the potential to adversely affect local water regimes and adjacent land as a result of contamination. However, the site is hard surfaced which reduces the potential for liquids to soak into the ground and the applicant has indicated that cut off drainage in front of the site building, which would drain to an isolation tank, is to be installed as part of the development. The proposed use would require an environmental permit from the Environment Agency and the issue of satisfactory drainage would need to be resolved prior to the issue of such a permit. The day to day regulation of the site would be via the permit. The Environment Agency was consulted with regard to this proposal and did not wish to object subject to the aforementioned condition.

It is therefore considered that this development would accord with UDP policy WD7 and advice contained in Section 11 of the NPPF with regard to potential pollution or contamination.

Flood Risk

The site is in Flood Zone 3, which is land designated as having a high risk of flooding, although according to the Calder Valley Strategic Flood Risk Assessment the site is not in the functional floodplain of the River Calder. The Site lies within Flood Zone 3a which is land that has been assessed as having a greater than 1% chance of fluvial flooding or 0.5% chance of tidal flooding in any given year. The applicant has, in accordance with the NPPF, provided a Flood Risk Assessment (FRA) to support the application. However, as the application involves a change of use and alterations to an existing building which will not change its footprint, the sequential test does not need to be applied in this instance.

The FRA indicates that this proposal would not increase the risk of:

- Tidal and Fluvial Flooding
- Surface Water Flooding
- Ground Water Flooding

The FRA therefore concludes that as the proposal simply relates to a change of use which already exists on the wider area of the site, then no further mitigation measures are required.

The FRA has been reviewed by the Environment Agency and the Council's Flood Management Team neither of which wish to object on flood risk grounds. It is therefore considered that this proposal accords with policy guidance contained in section 10 of the NPPF.

Highway issues:

The application site is accessed via a surfaced access road which adjoins Low Mill Lane which serves other commercial uses occupying various parts of the Low Mill complex.

The applicant has indicated that it is expected that the proposed transfer station would operate at around 200t per week (approximately 10,000tpa) which would equate to 25 import loads of food waste per week in 8t loads and 10 export loads of bulked food waste per week in 20t loads. This would equate to 70 HGV movements (in and out total) per week or 12 HGV movements (in and out total) per day (based on a 6 day working week).

The applicant estimates that that the proposed transfer station could potentially operate at up to 300t per week (approximately 15,600tpa) if it proves to be very successful which would equate to 38 import loads of food waste per week in 8t loads and 15 export loads of bulked food waste per week in 20t loads. This would equate to 106 HGV movements (in and out total) per week or 18 HGV movements (in and out total) per day (based on a 6 day working week).

The Council's highways development management team has indicated that, subject to the provision of adequate turning facilities, the level of traffic associated with the development would not have a detrimental impact on highway safety. The site is of a sufficient size to provide such facilities and it is therefore proposed to require the creation of turning arrangements by planning condition prior to the occupation of the development. In such circumstance this proposal would accord with UDP policies T10 and WD7.

Other Issues:

As indicated previously the Canal and River Trust has raised concerns about the condition of the canal bridge which provides access to the site and other neighbouring business uses and the future protection of the bridge to ensure that the increased heavy traffic associated with this development does not result in further damage to the structure of the bridge. The bridge is a listed structure and it is therefore important to ensure that it receives adequate protection. The applicant has indicated a willingness to provide the necessary funding to allow the Canal and River Trust to carry out such works and it is proposed to link any grant of planning permission to securing this funding.

Objections:

No public objections have been received in connection with this proposal.

Conclusion:

This proposal relates to a change of use of an existing building on the wider site associated with an existing waste transfer station. Officers consider that the proposals are in accordance with the NPPF and the National Planning Policy for Waste as the facility is part of a network of facilities that assist in the diversion of waste from disposal to recovery at an appropriate location. The facility would therefore help to push the management of wastes up the waste hierarchy. The wider site is a long established waste transfer facility and the existing building, which is the subject of this planning application, is not currently being productively utilised. This proposal would therefore provide a useful facility for the collection of local food wastes which could then be used to generate energy via anaerobic bio-digestion. Furthermore it is considered that this proposal would not have a significant adverse effect on local amenity, the local environment or the local highway network and offers the opportunity to secure funding to repair and protect a valuable heritage asset.

9. RECOMMENDATION

Grant conditional full permission subject to the delegation of authority to officers to:

- (i) Impose all necessary and appropriate conditions
- (ii) Secure a suitable method to provide adequate funding from the applicant to:
 - Repair existing damage to the canal bridge providing access to the site
 - Provide satisfactory additional bridge protection measures
- (iii) and, subject to there being no substantive changes to alter this recommendation, to issue the decision notice

Conditions:

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.
2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice except as may be required by other conditions attached to this permission, which in all cases shall take precedence.
3. Prior to the development being brought into use turning facilities shall be provided in accordance with the details shown on drawing No. P005. The turning facilities shall thereafter be made available for use at all times by vehicles and shall be kept free from obstruction to such use.
4. In the event that contamination not previously identified by the developer prior to the grant of planning permission is encountered during the development, all works on site (save for the investigation works) shall cease immediately and the local planning Authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing by the Local Planning Authority, works shall not commence until either:
 - (a) A Remediation Strategy has been submitted and approved in writing by the Local Planning Authority or
 - (b) The Local Planning Authority has confirmed in writing that remediation measures are not required.The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.
5. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the local planning authority. No part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the local planning authority.
6. The development hereby permitted shall be carried out in accordance with the supporting Flood Risk Assessment and prior to the development being occupied details of safe routes into and out of the site and safe havens to use in the event of flooding shall be submitted to and approved in writing by the Local Planning Authority.
7. All mitigation measures identified in the supporting Flood Risk Assessment and associated documents required under condition 6 shall be fully implemented prior to the development being brought into use and in accordance with the timing/phasing arrangements embodied within the scheme.

8. The development hereby permitted shall be carried out in complete accordance with the supporting Odour Management Plan dated 22 October 2016.

9. In combination with the current operational waste transfer station located within the area enclosed by the blue line on plan no. P002 No more than 10 Heavy Goods vehicles shall enter or exit the site between the hours of 19: 00 and 07: 00

Note: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours Mondays to Fridays

08.00 and 13.00hours , Saturdays

With no working Sundays or Public Holidays

In some cases, different site specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Note: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

Note: The Environment Agency (EA) has advised that if the area covered by the proposal lies within the current permitted area for Environmental Permit EAWML/65552 then an alteration to the working plan will be required as part of the permit. If the garage is not in the permitted area the activity is likely to require an Environmental Permit and the applicant should contact the EA on 03708 506 506 to discuss this further.

This recommendation is based on the following plans and specification schedule:-

Plan Type	Reference	Version	Date Received
Amended site plan	P002		15 April 2016
Existing building plan & elevations	P003		11 February 2016
Proposed building plan & elevations	P004		11 February 2016
Proposed vehicle movements	P005		11 February 2016
Demolition plan & elevations	P006		11 February 2016
Proposed building steelwork plan & elevations	P007		11 February 2016
Drainage Plan Detail	P008		11 February 2016
Revised planning statement			15 April 2016
Odour management plan			11 February 2016

KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

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

19 MAY 2016

APPLICATION NO: 2015/94112

PAGE 27

DEMOLITION OF ALL EXISTING BUILDINGS AND ERECTION OF CLASS A1 FOOD STORE WITH ASSOCIATED PARKING, ACCESS, SERVICING AND LANDSCAPING

FORMER WORKS, STATION ROAD, MIRFIELD, WF14 8PT

Further to details set out in the published committee report, additional highway design information has been provided for the proposed right hand turn junction on Station Road which has been assessed by Highways DM, and is in principle considered acceptable.

Highways DM have also advised that conditions 19 and 20 of the published committee report be updated to those set out below:

19. The 12 sheltered and secure cycle parking spaces shown on the 'Proposed Site Plan', Dwg. No.10 Rev J received 12 April 2016 shall be provided before the development is first brought into use and thereafter be retained free from obstructions and available for cycle parking.

20. Notwithstanding the details shown on plan number 117026-DG-0001 (Proposed site access junction layout), construction shall not commence on the hereby approved food store building until, a detailed scheme for the provision of the proposed site access and associated works including the right turn lane into the site, pedestrian refuge on Station Road and associated signing and white lining has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include construction specifications, white lining, signing, surface finishes together with independent Safety Audits covering all aspects of the work. All of the agreed works shall be implemented before any part of the development is first brought into use and thereafter retained.

In light of the above the principle highways matters have therefore been resolved with the application, and the application recommendation is therefore updated as set out below:

RECOMMENDATION: GRANT CONDITIONAL FULL PLANNING PERMISSION SUBJECT TO DELEGATION OF AUTHORITY TO OFFICERS TO:

- 1. RESOLVE ALL OUTSTANDING DRAINAGE MATTERS.**

2. **IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS WHICH MAY INCLUDE THOSE LISTED ABOVE AND IN THE PREVIOUSLY PUBLISHED COMMITTEE REPORT; AND**
3. **SUBJECT TO THERE BEING NO CHANGES WHICH MATERIALLY AFFECT THIS RECOMMENDATION, ISSUE THE DECISION NOTICE.**

FORMATION OF CAR PARK

OAKWELL BUSINESS CENTRE, DARK LANE, BIRSTALL, BATLEY, WF17 9LW

7. CONSULTATIONS

The Coal Authority: The Coal Authority has confirmed that they are satisfied with the broad conclusions of the submitted Phase II Ground Investigation Report, which concludes that coal mining legacy issues are not significant within the application site and do not pose a risk to the proposed development. As such, the Coal Authority does not object to the application.

9. RECOMMENDATION

As the outstanding comments have now been received from the Coal Authority, the recommendation is amended to Conditional Full Permission. The recommended conditions are set out on pages 59-62.

CONDITIONS

A travel plan has now been submitted by the Applicant and has been assessed by KC Highways DM who consider its content to be acceptable. As such, Officers recommend the following amended wording to Condition 9:

“The submitted Travel Plan shall be operated at all times that the development is occupied and shall be reviewed and updated on an annual basis in accordance with the details that are outlined in the approved plan. The travel plan and all updates shall be produced in accordance with current national, regional and local best practice guidance and shall include details of operation, Travel Plan Coordinator/s, targets, infrastructure to be provided, measures that will be implemented, monitoring and review mechanisms, procedures for remedial action that may be required and a timetable for implementing the plan.

Additional condition:

The development shall be carried out in accordance with the approved Traffic Management and Routing Strategy produced by HY Consulting Ltd, received on 17 May 2016.

**OUTLINE APPLICATION FOR ERECTION OF RESTAURANT, RETAIL
OUTLET AND HOTEL**

OWL LANE, SHAW CROSS, DEWSBURY, WF12 7QJ

As part of the application process the applicants removed the hotel element from their proposal as such the description should read

**OUTLINE APPLICATION FOR ERECTION OF RESTAURANT AND RETAIL
OUTLETS.**

Cllr Kane has requested that the application be deferred.

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