

# Public Document Pack



**Assistant Director, Governance and  
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**Julie Muscroft**

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Wednesday 23 November 2016

## Notice of Meeting

Dear Member

### Strategic Planning Committee

**The Strategic Planning Committee will meet in the Town Hall,  
Huddersfield, HD1 2TT at 1.00 pm on Thursday 1 December 2016.**

(A coach will depart the Town Hall at 9.40am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in the Town Hall, Huddersfield, HD1 2TT)

The 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", on a light-colored background.

**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 Bill Armer  
Councillor Donald Firth  
Councillor Paul Kane  
Councillor Carole Pattison  
Councillor Andrew Pinnock

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**

D Bellamy  
L Holmes  
B McGuin  
N Patrick  
K Sims

#### **Green**

K Allison  
A Cooper

#### **Independent**

C Greaves  
T Lyons

#### **Labour**

G Asif  
F Fadia  
E Firth  
C Scott  
S Ullah  
M Sokhal

#### **Liberal Democrat**

R Eastwood  
J Lawson  
A Marchington  
L Wilkinson

# Agenda

## Reports or Explanatory Notes Attached

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**Pages**

**1: Membership of the Committee**

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

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**2: Minutes of the Previous Meeting**

1 - 22

To approve the Minutes of the meeting of the Committee held on 14 July 2016 and 3 November 2016.

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**3: Interests and Lobbying**

23 - 24

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.

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**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.

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## **5: Public Question Time**

The Committee will hear any questions from the general public.

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## **6: 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.

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## **7: Site Visit - Application 2014/92893**

Erection of 34 dwellings and associated car parking land off, Croft Street, Birkenshaw.

Estimated time of arrival at site: 10:05am

Contact Officer: Bill Topping, Major Developments Officer

**Wards affected:** Birstall and Birkenshaw

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## **8: Site Visit - Application 2016/92321**

Deposit of inert waste on agricultural land to improve surface water drainage Lands Farm, Cliffe Lane, Gomersal, Cleckheaton

Estimated time of arrival at site – 10:25am

Contact: Glen Wakefield, Senior Planning Officer

**Wards affected:** Liversedge and Gomersal, Cleckheaton

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**9: Site Visit - Application 2016/92181**

Outline application for erection of residential development (116 dwellings) and formation of new access to Woodhead Road Land off, Woodhead Road, Honley, Holmfirth

Estimated time of arrival at site – 11:10am

Contact: Adam Walker, Planning Officer

**Wards affected:** Holme Valley North

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**10: Site Visit - Application 2016/93411**

Outline application for erection of residential development land to rear of 125 Helme Lane, Meltham, Holmfirth

Estimated time of arrival at site 11:35am

Contact: Bill Topping, Major Developments Officer

**Wards affected:** Holme Valley North

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**Planning Applications**

25 - 28

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) by no later than Monday 28 November 2016.

To pre-register, please contact [andrea.woodside@kirklees.gov.uk](mailto:andrea.woodside@kirklees.gov.uk) or phone Andrea Woodside on 01484 221000 (Extension 74993)

An update report, providing further information on applications and matters arising following the publication of the Agenda, will be added at the end of this Agenda.

**11: Planning Application - Application No: 2014/92893**

29 - 44

Erection of 34 dwellings and associated car parking at land off Croft Street, Birkenshaw.

Contact Officer: Bill Topping, Major Developments Officer

**Wards affected:** Birstall and Birkenshaw

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**12: Planning Application - Application No: 2016/93411** 45 - 56

Outline application for erection of residential development at land to rear of 125 Helme Lane, Meltham, Holmfirth.

Contact Officer: Bill Topping, Major Developments Officer

**Wards affected:** Holme Valley North

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**13: Planning Application - Application No: 2016/92029** 57 - 74

Erection of extension to existing Kingsgate Shopping Centre to form new Leisure Development including new cinema and restaurants, and demolition of existing buildings on the site including 20-22 Cross Church Street (partly within a Conservation Area). Proposed development site comprising 20-22 Cross Church Street, Fleece Yard, Sun Inn Yard and White Lion Yard, Huddersfield.

Contact Officer: Louise Bearcroft, Planning Officer

**Wards affected:** Newsome

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**14: Planning Application - Application No: 2016/92030** 75 - 84

Listed Building Consent for erection of extension to existing Kingsgate Shopping Centre to form new Leisure Development including new cinema and restaurants, and demolition of existing buildings on the site including 20-22 Cross Church Street (partly within a Conservation Area). Proposed development site comprising 20-22 Cross Church Street, Fleece Yard, Sun Inn Yard and White Lion Yard, Huddersfield.

Contact Officer: Louise Bearcroft, Planning Officer

**Wards affected:** Newsome

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**15: Planning Application - Application No: 2016/92181**

85 - 104

Outline application for erection of residential development (116 dwellings) and formation of new access to Woodhead Road at land off Woodhead Road, Honley, Holmfirth.

Contact Officer: Adam Walker, Planning Officer

**Wards affected:** Holme Valley North

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**16: Planning Application - Application No: 2016/92321**

105 -  
122

Deposit of inert waste on agricultural land to improve surface water drainage at Lands Farm, Cliffe Lane, Gomersal, Cleckheaton.

Contact Officer: Glenn Wakefield, Senior Planning Officer

**Wards affected:** Liversedge and Gomersal, Cleckheaton

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## **Planning Update**

The update on applications under consideration will be added at this point on the Agenda prior to the meeting.

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Contact Officer: Richard Dunne, Tel. richard.dunne@kirklees.gov.uk

## **KIRKLEES COUNCIL**

### **STRATEGIC PLANNING COMMITTEE**

**Thursday 14th July 2016**

Present: Councillor Steve Hall (Chair)  
Councillor Bill Armer  
Councillor Paul Kane  
Councillor Carole Pattison  
Councillor Andrew Pinnock  
Councillor Donna Bellamy

Apologies:

In attendance:

Observers:

#### **1 Membership of the Committee**

The Committee noted the appointment of Councillor S Hall as Chair of the Strategic Planning Committee for the remainder of 2016/17 municipal year, by Council at its meeting held on 29 June 2016.

Councillor Donna Bellamy substituted for Councillor Donald Firth at the meeting.

#### **2 Minutes of the Previous Meetings**

The Minutes of the meetings held on 25 May 2016 and 16 June 2016 agreed as a correct record.

#### **3 Interests and Lobbying**

Councillor Armer declared an 'other' interest in Application 2014/91831 – Cockley Hill Lane, Kirkheaton and Application 2014/92535 – Shop Lane, Kirkheaton due to him being a former member of Kirkburton Parish Council and knowing people in the area.

#### **4 Admission of the Public**

All items considered in public session.

**5 Deputations/Petitions**

No deputations or petitions were received.

**6 Site Visit - Application 2016/90647**

Site visit undertaken.

**7 Site Visit - Application 2016/90973**

Site visit undertaken.

**8 Site Visit - Application 2014/91831**

Site visit undertaken.

**9 Site Visit - Application 2014/92535**

Site visit undertaken.

**10 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 2016/90973 erection of two storey school and two storey modular building and demolition of existing school at Mount Pleasant Junior Infant and Nursery School, Mount Street, Lockwood, Huddersfield, - N Nazer, Headteacher for application.

(b) Application 2014/91831 – outline planning application for erection of 60 dwellings, formation of access, public space and associated infrastructure at Cockley Hill Lane, Kirkheaton, Huddersfield, - Peter Roberts, Victoria Hickey, Brian Artingstall and Trish Mellor (all local residents).

(c) Application 2014/92535 – outline application for erection of 48 dwellings, formation of access and associated infrastructure at Shop Lane, Kirkheaton, Huddersfield, - Peter Roberts, Brian Artingstall and Trish Mellor (all local residents).

**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.

**KIRKLEES COUNCIL**  
**LIST OF PLANNING APPLICATIONS DECIDED BY**  
**STRATEGIC PLANNING COMMITTEE**  
**14 JULY 2016**

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

2016/90647

Scott Waters, Alcuin Homes (Yorkshire) Limited - Outline application for residential development (23 dwellings) - former railway station and goods yard, Fold Farm, Netherton Fold, Netherton, Huddersfield

GRANT CONDITIONAL OUTLINE PLANNING PERMISISON SUBJECT TO DELEGATION OF AUTHORITY TO OFFICERS TO:

- (i) RESOLVE THE OUTSTANDING DRAINAGE ISSUES
- (ii) REFERAL OF THE APPLICATION TO THE SECRETARY OF STATE UNDER THE PROVISIONS OF THE TOWN & COUNTRY PLANNING CONSULTATIONS DIRECTION 2009. SHOULD THE SECRETARY OF STATE NOT WISH TO INTERVENE THEN:
- (iii) ENTER INTO A SECTION 106 AGREEMENT TO SECURE THE DEDICATION OF LAND AND A CONTRIBUTION TOWARDS PROVISION OF AN EXTENSION TO THE MELTHAM GREENWAY
- (iv) IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS, WHICH MAY INCLUDE THOSE SET OUT BELOW, AND
- (v) PROVIDED THAT THERE ARE NO NEW MATERIAL CHANGES, ISSUE THE DECISION.

(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) Notwithstanding the submitted plans and information, an Arboricultural Method Statement, in accordance with British BS 5837 shall be submitted to and approved in writing by the Local Planning Authority before development commences. The method statement shall include details on how the construction work will be undertaken with minimal damage to the adjacent

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

2016/90647 Cont'd

protected trees and their roots. Thereafter, the development shall be carried out in complete accordance with the Arboricultural Method Statement.

(6) The development shall not be brought into use until the vehicle parking areas shown on the approved plans have been 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.

(7) No development, except for the demolition of buildings approved by this permission shall take place until a scheme detailing the proposed internal adoptable estate roads has 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 scheme shall be completed in accordance with the scheme shown on approved plans and retained thereafter.

(8) No development shall take place until the details of the junction and associated highway works at the junction of Station Road and Netherton Fold have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the works to provide the junction have been completed in accordance with the approved plans.

(9) Prior to the first occupation of the development hereby approved, the developer shall subsidise the cost of a Metro travel card for the benefit of future occupiers in accordance with the Residential Metrocard scheme

(10) 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.

(11) 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

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

2016/90647 Cont'd

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 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.

(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 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.

(15) No material operation as defined in Section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of affordable housing have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, the arrangements shall cover the following matters:-

- (a) the number and type of affordable housing units to be provided.
- (b) the layout and disposition of the units affordable housing to be provided.
- (c) the timescale for the implementation and completion of the affordable housing units;
- (d) the mechanism for ensuring that the affordable housing units remain affordable for both the initial and subsequent occupiers.

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

2016/90647 Cont'd

**FOOTNOTE (Highways)**

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, Civic Centre 3, Market Street, Huddersfield (Kirklees Highway Design: 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.

**FOOTNOTE (Contamination)**

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.

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

**FOR: Councillors Bellamy, S Hall, Kane and Pattison (4 Votes)**

**AGAINST: Councillor A Pinnock (1 Vote)**

**ABSTAINED: Councillor Armer**

2016/90973

C Blanshard, Kier Construction - Erection of two storey school and two storey modular building and demolition of existing school - Mount Pleasant Junior Infant And Nursery School, Mount Street, Lockwood, Huddersfield

**APPROVE SUBJECT TO THE FOLLOWING CONDITIONS TOGETHER WITH ADDITIONAL CONDITIONS REGARDING THE REMOVAL OF TEMPORARY CLASSROOM ACCOMMODATION ON COMPLETION OF NEW SCHOOL AND THE PRODUCTION OF A CONSTITUTION MANAGEMENT PLAN**

(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.

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

2016/90973 Cont'd

(3) No development of the superstructure of the new (permanent) school building shall take place until samples of all facing and roofing materials has been submitted to and approved in writing by the Local Planning Authority, and the development shall be constructed of the approved materials.

(4) No building or other obstruction including landscape features shall be located over or within 4.0 (four) metres either side of the centre line of the public sewer i.e. a protected strip width of (8 metres) located within the site. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker.

(5) No building or other obstruction including landscape features shall be located over or within 3.0 (three) metres either side of the centre line of the water mains i.e. protected strip widths of (6) metres, located within the site. If the required stand-off distance is to be achieved via diversion or closure of the water mains the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker.

(6) The proposed car park hereby approved shall be laid out, surfaced, marked out into bays and drained in accordance with details that have been submitted to and approved in writing by the Local Planning Authority before the new (permanent) school is brought into use.

(7) A schedule of the means of access to the site for construction traffic shall be submitted and approved in writing by the Local Planning Authority prior to construction commencing. The schedule shall include the point of access for construction traffic, details of the times of use of use of the access, the routing construction traffic to and from the site, temporary TROs to restrict parking on Mount Street, construction workers' parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. All construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

(8) A scheme detailing measures to manage parking on Mount Street and all associated works, together with the appropriate Safety Audits shall be submitted to and approved in writing by the Local Planning Authority before the development is brought in use. No part of the development shall be brought into use until the approved scheme has been implemented.



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

2016/90973 Cont'd

(9) The development shall be carried out in accordance with the submitted Travel Plan (produced by Curtins, Ref: TPLE1158/TP dated 13 April 2016). The approved 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.

(10) Remediation of the site shall be carried out and completed in accordance with the submitted Remediation Strategy. 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. 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. 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 have been approved in writing by the Local Planning Authority.

(12) A report specifying the measures to be taken to protect the occupants of nearby noise sensitive premises on Mount Street and Victoria Road from noise from the proposed development shall be submitted to and approved in writing by the Local Planning Authority before development of the superstructure of the new (permanent) school building commences. The report shall include:

(a) an assessment of noise emissions from the proposed development;

APPLICATION NO.	DESCRIPTION, LOCATION OF PROPOSAL AND DECISION
2016/90973 Cont'd	<p>(b) details of background and predicted noise levels at the boundary of the site;</p> <p>(c) a written scheme of how the occupants of Mount Street and Victoria Road will be protected from noise from the proposed development with noise attenuation measures as appropriate</p> <p>The development shall not be brought into use until all works comprised within the measures specified in the approved report have been carried out in full and such works shall be thereafter retained.</p> <p>A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS;</p> <p>FOR: Councillors Bellamy, Armer, S Hall, Kane, Pattison and A Pinnock (6 Votes)</p> <p>AGAINST: (No Votes)</p>
2014/91831	<p>P Cryan, Hartley Quality Homes - Outline application for erection of 60 dwellings, formation of access public space and associated infrastructure - Cockley Hill Lane, Kirkheaton, Huddersfield</p> <p>Defer for further information about reconsideration of land disposal and mining legacy within the site</p> <p>A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS;</p> <p>FOR: Councillors Armer, Bellamy, S Hall, Kane, Pattison and A Pinnock (6 Votes)</p> <p>AGAINST: (No Votes)</p>
2014/92535	<p>Paul Cryan, Hartley Property Trust Ltd - Outline application for erection of 48 dwellings, formation of access and associated infrastructure - Shop Lane, Kirkheaton, Huddersfield</p> <p>GRANT CONDITIONAL OUTLINE PLANNING PERMISSION SUBJECT TO DELEGATION OF AUTHORITY TO OFFICERS TO:</p> <p>(i) REFERRAL OF THE APPLICATION TO THE HEALTH AND SAFETY EXECUTIVE UNDER SECTION 9 OF THE PLANNING AND PRACTICE GUIDANCE NOTES. SHOULD THE HEALTH AND SAFETY EXECUTIVE NOT INTERVENE THEN;</p> <p>(ii) SECURE A S106 OBLIGATION TO PROVIDE:</p> <ul style="list-style-type: none"> <li>• AFFORDABLE HOUSING OF 10 STARTER HOMES</li> <li>• AN EDUCATION CONTRIBUTION OF £113,891</li> </ul>

**APPLICATION NO.**

2014/92535 Cont'd

**DESCRIPTION, LOCATION OF PROPOSAL AND DECISION**

- POS ON SITE AND A FINANCIAL CONTRIBUTION OF £129,950 TO IMPROVE OFF SITE POS

(iii) IMPOSE APPROPRIATE CONDITIONS WHICH MAY INCLUDE THOSE DETAILED BELOW AND AN ADDITIONAL CONDITION REGARDING A SCHEME FOR THE IMPROVEMENT OF EXISTING FOOTPATH AND AUDIT OF PEDESTRIAN LINKS BETWEEN SITES; AND

(iv) SUBJECT TO THERE BEING NO MATERIAL CHANGE IN CIRCUMSTANCES, TO 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) Development shall not commence until a scheme detailing the layout, construction and specification of the highway works at the site access junction with Shop Lane and with Orchard Road (with reference to drawing no. P09:4266.01 Rev A) and all associated highway works, and the appropriate Road Safety Audit, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until all the works under the approved scheme have been carried out and completed in accordance with the approved scheme and thereafter retained throughout the lifetime of the development.

(6) The development shall not be brought into use until visibility splays of 2.4 m x 43 m in both directions along Shop Lane at the site access junction in which there shall be no obstruction to visibility above the level of the adjacent footway as indicated on the approved plan have been completed. Thereafter, the

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

2014/92535 Cont'd

visibility splays shall be retained throughout the lifetime of the development.

(7) Before the development commences a scheme detailing suitable boundary treatments to those parts of the development abutting footpath Kirkburton 255 shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.

(8) Before the development commences a scheme detailing the location and cross sectional information together with the proposed design and construction for all the retaining walls and building walls adjacent to both the existing and new public highway shall be submitted to and approved in writing by the Highway Authority. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.

(9) 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. Thereafter all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

(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

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

2014/92535 Cont'd

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 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.

(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 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.

(15) Prior to development commencing a noise attenuation scheme relating to dwellings which front onto Shop Lane and also the rear elevations and garden areas of dwellings to the NE corner of this site, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the dwellings concerned.

(16) The development shall not commence until an assessment of the effects of 1 in 100 years storm events, with an additional allowance for climate change, upon drainage infrastructure and surface water run off pre and post development between the development and the surrounding area in all directions shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the works comprising the approved scheme have been completed and the approved scheme shall be retained throughout the lifetime of the development.

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

2014/92535 Cont'd

(17) Notwithstanding the submitted detail, no development shall commence until details of the on-site surface water attenuation have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter throughout the lifetime of the scheme.

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

(19) No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.

(20) No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off -site works, have been submitted to and approved by the local planning authority. Furthermore, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

(21) Prior to the commencement of development, details of a bio-diversity habitat enhancement scheme shall be submitted for the written approval of the Local Planning Authority. The scheme shall include details and potential locations for bat / bird roost opportunities within the new development and surrounding retained trees. The approved scheme shall be implemented prior to the first occupation of any dwellings / plots containing such opportunities.

(22) Prior to occupation of any dwellings, 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 in accordance with a specification which shall first have been submitted to and agreed in writing by the Local Planning Authority.

(23) Where European Protected Species(eps) may be affected by a development and it can be demonstrated that an Natural England EPS licence will not be required, a written method statement(based on the format of Natural England's EPS licence application method statement) detailing how the development shall be completed without harm to any EPS and without loss or detriment to the wildlife habitat used by the said species, shall be submitted to and approved by the Local Planning Authority before development commences. The

**APPLICATION NO.**

**DESCRIPTION, LOCATION OF PROPOSAL AND DECISION**

2014/92535 Cont'd

development shall be carried out in accordance with the agreed method statement.

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

FOR: Councillors Armer, Bellamy, S Hall, Kane, Pattison and A Pinnock (6 Votes)

AGAINST: (No Votes)

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Contact Officer: Richard Dunne, Tel. richard.dunne@kirklees.gov.uk

**KIRKLEES COUNCIL**

**STRATEGIC PLANNING COMMITTEE**

**Thursday 3rd November 2016**

Present: Councillor Steve Hall (Chair)  
Councillor Bill Armer  
Councillor Carole Pattison  
Councillor Andrew Pinnock  
Councillor Donna Bellamy  
Councillor Mohan Sokhal

Apologies:

In attendance:

Observers:

**1 Membership of the Committee**

Councillor Bellamy substituted for Councillor D Firth.

Councillor Sokhal substituted for Councillor Kane.

**2 Minutes of the Previous Meeting**

Approved as a correct record.

**3 Interests and Lobbying**

No interests or lobbying were declared.

**4 Admission of the Public**

All items on the agenda were considered in public session.

**5 Deputations/Petitions**

The Committee received a deputation from Chris Marsden on behalf of the Huddersfield Civic Society.

**6 Public Question Time**

The Committee received questions from Chris Marsden on behalf of the Huddersfield Civic Society in regards to the process relating to the notification of Committee agendas following planning enforcement requests and a request to speak on an item that required prior registration.

The Chair and the Planning Development Management Group Leader responded to the questions.

**7 Site Visit - Application 2016/92029 and 2016/92030**

Site visit undertaken.

**8 Planning Applications**

The Committee considered the schedule of Planning Applications.

**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.

**KIRKLEES COUNCIL**  
**LIST OF PLANNING APPLICATIONS DECIDED BY**  
**STRATEGIC PLANNING COMMITTEE**  
**3 NOVEMBER 2016**

APPLICATION NO.	DESCRIPTION, LOCATION OF PROPOSAL AND DECISION
2016/91074	<p>Paul Robinson, Yorkshire Properties Est Ltd, Outline application for residential development and demolition of two dwellings - Land off, Old Bank Road, Mirfield</p> <p>DECISION - WITHDRAWN BY THE APPLICANT</p>
2016/92122	<p>Kirklees Stadium Development Ltd, Extension to time to previous permission 2008/92864 for outline application for erection of multi-use leisure and entertainment development with ancillary facilities plus hotel, office and residential uses - John Smiths Stadium, Stadium Way, Huddersfield</p> <p>DECISION - Grant extension of time to outline application for erection of multi-use leisure and entertainment development with ancillary facilities plus hotel, office and residential uses subject to the delegation of authority to officers to:</p> <ol style="list-style-type: none"> <li>1. Include an additional condition to introduce a 3 year time limit on the renewal of the application.</li> <li>2. Refer the application to the Health and Safety Executive for them to consider whether to request that the Secretary of State for Communities and Local Government calls in the application for determination; subject to the application not being called in:</li> <li>3. Enter into a supplemental S106 agreement to secure Public Transport and Travel Plan Measures, Local Highway Works and Ecological / Biodiversity Works;</li> <li>4. Impose all necessary and appropriate conditions which may include those set out in the submitted report and</li> <li>5. Subject to there being no substantive changes that would alter the recommendation to issue the decision notice</li> </ol> <p>A RECORDED VOTE WAS TAKEN IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 42(5) AS FOLLOWS;</p> <p>FOR: Councillors Armer, Bellamy, S Hall, Pattison, A Pinnock and Sokhal (6 Votes)</p> <p>AGAINST: (No Votes)</p>
2016/92029	<p>Peter Everest, WD Kingsgate Ltd, Erection of extension to existing Kingsgate Shopping Centre to form new Leisure Development including new cinema and restaurants, and demolition of existing buildings on the site including 20-22 Cross Church Street (partly within a Conservation Area) - Proposed development site comprising, 20-22, Cross Church Street, Fleece Yard, Sun Inn Yard and White Lion Yard, Huddersfield</p>

**APPLICATION NO.**

**DESCRIPTION, LOCATION OF PROPOSAL AND DECISION**

2016/92029 Cont'd

DECISION – THE COMMITTEE NOTED THE CONTENTS OF THE REPORT AND PROVIDED COMMENTS TO THE QUESTIONS OUTLINED IN THE SUBMITTED REPORT.

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<b>KIRKLEES COUNCIL</b>			
<b>DECLARATION OF INTERESTS AND LOBBYING</b>			
Strategic Planning Committee			
<b>Name of Councillor</b>			
<b>Item in which you have an interest</b>	<b>Type of interest (eg a disclosable pecuniary interest or an "Other Interest")</b>	<b>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]</b>	<b>Brief description of your interest</b>

**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.



**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 Kirklees Unitary Development Plan (saved Policies 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 Council's Local Plan was published for consultation on 7th November 2016 under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council considers that, as at the date of publication, its Local Plan has limited weight in planning decisions. However, as the Local Plan progresses, it may be given increased weight in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

## **National Policy/ Guidelines**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27<sup>th</sup> March 2012, the Planning Practice Guidance Suite (PPGS) launched 6<sup>th</sup> 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.

In the event that a specific development proposal has particular equality implications, the report will detail how the duty to have “due regard” to them has been discharged.

## **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 NPPF 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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Originator: Bill Topping

Tel: 01484 221000

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## Report of the Head of Development Management

### STRATEGIC PLANNING COMMITTEE

Date: 01-Dec-2016

**Subject: Planning Application 2014/92893 Erection of 34 dwellings and associated car parking Land Off, Croft Street, Birkenshaw**

### APPLICANT

Atkin Enterprises

### DATE VALID

15-Sep-2014

### TARGET DATE

15-Dec-2014

### EXTENSION EXPIRY DATE

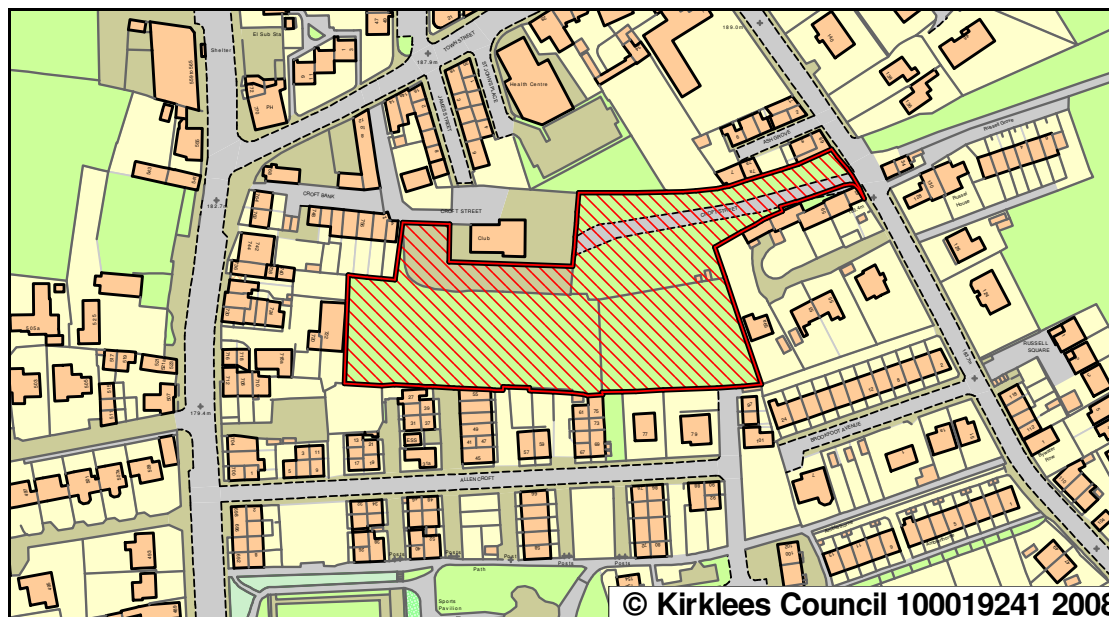
28-Aug-2015

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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

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**Electoral Wards Affected: Birstall and Birkenshaw**

Yes

Ward Members consulted  
(referred to in report)

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**RECOMMENDATION:**

**DELEGATE approval to the Head of Development Management in order to complete the list of conditions contained within this report (and any added by the Committee) and to secure a S106 agreement to cover the following matters:**

- 1. Affordable Housing – 10 dwellings (with a 55% social rent and 45% submarket split).**
- 2. £60,482 towards educational requirements**
- 3. £90,850 towards public open space off site contribution**
- 4. Residential Metro Card Scheme A – Bus Only. Based on the current scheme costs this would be 34 x £475.75 = £16175.50**

**In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee’s resolution then the Head of Development Management shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Development Management is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.**

**1.0 INTRODUCTION:**

- 1.1 The application is brought forward to Strategic Planning Committee for determination with the agreement of the Chair as the application site is in Council ownership, is of an area in excess of 0.5 hectares and as a significant level of representation has been received
- 1.2 The application was deferred by Committee on the 27<sup>th</sup> August 2015 to allow for the submission of additional highway information and for a safety audit to be undertaken. This information has been received and considered. Also sought were amendments to the scale of a number of the plots ie Plots 17-20.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The application relates to a site of approximately 0.8 hectares of land and is set within a predominantly residential area. To the immediate north of the site is Birkenshaw Liberal Club.
- 2.2 Croft Street runs along the northern boundary to the site, but is split into two sections by the presence of the Liberal Club and its car park. The western part connects with Town Street and the eastern section joins on to Old Lane. To the eastern boundary of the site is a detached dwelling and bordering it to the south are a number of terraced and detached properties. Terraced dwellings also border the site to the west.

## **3.0 PROPOSAL:**

- 3.1 The application is for full planning permission for the erection of 34 dwellings and associated car parking. The dwellings proposed are a mix of semi-detached and terraced properties.

## **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 2002/93795 – Outline application for residential development. Approved
- 2006/91855 – Renewal of unimplemented outline permission for residential development. Approved
- 2014/91302 – Erection of 46 dwellings and associated car parking. Withdrawn

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Amendments to the access arrangements serving the Liberal Club have been secured. Amendments to the layout and to the siting and design of plots 17-20 have been secured.

## **6.0 PLANNING POLICY:**

- 6.1 The Council's Local Plan has been published for consultation on 7<sup>th</sup> November 2016 under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council considers that, as at the date of publication, its Local Plan has limited weight in planning decisions. However, as the Local Plan progresses, it may be given increased weight in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (adopted 1999) remains the statutory Development Plan for Kirklees.

## 6.2 Kirklees Unitary Development Plan:

- BE1 – Design principles
- BE2 – Quality of design
- BE11 – Use of natural stone
- BE12 – Space about buildings
- T10 – Highway safety
- T16 – Pedestrian routes
- T19 – Car parking standards
- G6 – Contaminated land
- EP10 – Energy Efficiency
- EP11 – Integral landscaping scheme to protect / enhance ecology
- BE23 – Crime Prevention
- NE9 – Mature trees
- H1 – Meeting the housing needs of the district
- H6 – Housing sites
- H10 – Affordable housing
- H18 – Public open space

## 6.3 National Planning Policy Framework:

- NPPF Promoting sustainable transport (chapter 4)
- NPPF Delivering a wide choice of high quality homes (chapter 6)
- NPPF Requiring good design (chapter 7)
- NPPF Promoting healthy communities (chapter 8)
- NPPF Meeting the challenge of climate change, flooding (chapter 10)
- NPPF Conserving and enhancing the natural environment (chapter 11)

## 6.4 Other policy considerations:

Providing for Education Needs Generated by New Housing' (KMC Policy Guidance)

SPD2 Affordable Housing

National Planning Practice Guidance on affordable housing.

## **7.0 PUBLIC/LOCAL RESPONSE:**

7.1. As detailed above additional plans and highways information have been received. These have been re-advertised by means of site notices and neighbour letters, and to date a total of 47 letters of objection have been received.

7.2 The letters of objection differ little from those submitted originally, as to the range of issues, and the level of feeling.



- 7.3 Also the Ward Members were advised of the amended plans and highways information. It was confirmed that the application would be heard again by the Strategic Committee, and it was felt the site should be re visited to properly consider the context and the surrounding road network.
- 7.4 As such the list of issues raised below is still germane.
- 7.5 The application has been advertised by way of neighbour letters, site notices and press advert. A total of 215 letters of objection, a petition against the development of 50 names and 3 letters of support have been received. The concerns raised relate to:

#### Drainage & surface water run-off

- Impact of surface water run off to the southern boundary and existing properties on Allen Croft
- Capacity of existing combined sewer to accommodate foul water drainage from the development
- Development is proposed with 3m of the water main which crosses the site.

#### Highways

- Concern about access from site onto Old Lane with limited sight lines, substandard junction layout and constraints from on street parking for existing properties.
- Old Lane is a main route to school for pedestrians and vehicles. The development will add to congestion and conflict at peak times
- Traffic calming to Old Lane should be considered if development goes ahead
- Impact of additional traffic on Croft Street/ Old Lane, Old Lane/ Town Street, Town Street/ Bradford Road, Old Lane/ Whitehall Road junctions

#### Noise

- Residential properties close to the existing Liberal Club are likely to be subject to noise and disturbance from the club. An acoustic report should be required before determining the application to consider whether residential development can exist alongside the club

#### Loss of trees and habitat

- Loss of mature trees and habitat from the site that provides foraging for bats, birds and hedgehogs
- Plans make little provision for replacement green space, replacement tree planting and replacement habitat
- A tree survey should be undertaken given the extent of mature trees within the site

### Layout

- The no of dwellings proposed is inappropriate for the size of the site. There is little public space within the development and some of the plot sizes are small and irregular shaped
- Public open space should be provided on site as part of development rather than the payment of a financial contribution
- Parking spaces/ parking courts will be difficult to manoeuvre in and out of
- Proximity of proposed houses to existing properties on Allen Croft, overlooking of existing habitable rooms
- Overbearing impact of development close to boundary with properties on Allen Croft given that the site is much higher than the neighbouring properties

### Impact on local amenities

- The local community is served by Birkenshaw C of E school, which is oversubscribed and has significant accommodation issues. The school has been denied funding to replace the temporary classrooms which are currently serving a significant proportion of the school. Therefore no increase in school intake will be feasible for the foreseeable future.
- The doctors surgery is also overburdened. Since the planned dwellings are most suitable for young families, this number of new properties will increase the burden on an already stretched school and doctors surgery.

### Boundary wall

- The ground level of the site is approximately 1.5 metres higher than the level of properties on Allen Croft. Concern expressed about potential encroachment on and potential collapse of boundary retaining wall which is believed to be Council owned and has partially collapsed and had to be repaired in the past
- Requested that applicant be reminded of the provisions included within the Party Wall Act ensuring that the correct mechanism will be applied to all with adjoining boundaries.

### 7.6 Representations in support refer to:

- The need to improve the site which has remained redundant for some time
- The opportunity new housing will provide for young first time buyers in the area to get onto the housing ladder

### 7.7 Representation has also been received on behalf of Birkenshaw Liberal Club:

- The club has secured planning permission for an extension to the premises (2013/92707) which they intend to implement. The housing development proposed would result in the loss of two car parking spaces shown on the approved plan as serving the club in order to facilitate access from the proposed access road. The club is concerned about the loss of the two parking spaces and that it would lead to a breach of planning regulations.

- The representation also highlights an ongoing dispute between the club and the applicant about derivation of club funds. (Note - this is a dispute between the parties and not material to the consideration of the application)

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

The following is a brief summary of the consultation responses received. Where necessary, these consultations are reported in more detail in the assessment below:

**K.C. Highways Development Management** – No objections subject to the imposition of conditions.

**Environment Agency** – Application does not “trigger any of our statutory criteria”

**Coal Authority** – No objection subject to the imposition of a standard condition.

#### **Non Statutory:**

**Public Rights of Way** – Concerned about inter visibility for the footpath link to Allen Croft. Amendments required to the alignment of the footpath

**K.C. Environmental Services** – No objection subject to conditions in respect of noise and contaminated land.

**K.C. Trees** – There are no protected trees present and therefore no objections.

**K.C. Ecology** – No objection following consideration of the submitted ecological report. A number of bat and bird boxes (additional to that applicant’s proposal) are required.

**K.C. Strategic Drainage** – No objection subject to a condition in relation to surface water.

**K.C. Parks & Landscape** – An off-site contribution of £90,850 should be provided to improve existing play areas and parks.

**K.C. Education (School Places)** – An education contribution of £60,482 is required for Birkenshaw CE (VC) School.

**Yorkshire Water** – No objections.

**West Yorkshire Police Architectural Liaison Officer (PALO)** – The amended layout and design of the footpath is an improvement in terms of crime prevention design. Request conditions re lighting of footpath, landscaping treatments, boundary fencing

## **9.0 MAIN ISSUES**

- **General Principle**
- **Layout;**
- **Scale and appearance;**
- **Landscaping**
- **Highways;**
- **Drainage/ Flood Risk;**
- **Ecology**
- **Trees;**
- **Affordable Housing;**
- **Education.**

## **10.0 APPRAISAL**

### **10.1 General principle:**

10.2 The vast majority of the application site is allocated for Housing (H14.14) on the Unitary Development Plan Proposals Map. A small section to the north western corner is unallocated.

10.3 The principle of development for that part of the site allocated for housing in the UDP is established. This is consistent with NPPF paragraph 14, which states that there is a presumption in favour of sustainable development and for decision taking this means, *“Approving development proposals that accord with the development plan without delay.”*

10.4 With regard to the unallocated part of the site D2 of the Unitary Development Plan is relevant and states *“planning permission for the development (including change of use) 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]”*.

10.5 The considerations are addressed in the assessment. Subject to these not being prejudiced the proposal is considered acceptable in principle in relation to policy D2.

10.6 In accordance with the NPPF, new houses will support growth and satisfy housing needs and thereby contribute to the building of a strong economy. There would be a social gain through the provision of new housing at a time of general shortage and the proposal will be subject to a requirement to provide an element of affordable housing which will be a positive component of the social role of the development. The surrounding area is predominately residential and the site is located within close proximity to the identified local

centre around the Bradford Road, Town Street junction. The principle of housing development is considered to accord with the sustainability principles of the NPPF.

## **10.7 Layout**

- 10.8 The layout proposes 34 dwellings, with a mix of 1 detached, 16 semi-detached and 17 terraced properties providing a mix of two and three bed properties, including 4 semi-detached dormer bungalows served via a traditional estate road and shared access roads.
- 10.9 The density of development would be in the order of 42 dwellings to the hectare. This is as a result of the form of development proposed (i.e. semi-detached and terraced properties) and the limited amount of open space proposed within the layout. Such a density and form of development would not however be out of keeping with the established form and character of the area.
- 10.10 Vehicular access to Birkenshaw Liberal Club is provided for from the proposed access road. Parking for the proposed houses is in the form of plot parking and parking courts.
- 10.11 A claimed footpath runs through the site from Old Lane, along Croft Street to Allen Croft. A route from Old Lane to Allen Croft is retained within the layout, there is concern about inter visibility for users of the footpath as proposed, where it leads into Allen Court, this can be addressed by realigning the proposed footpath to provide greater separation to the rear boundaries of plots 19 & 20 and incorporating the footpath into the adjacent area of informal open space. This can reasonably be secured by way of condition.
- 10.12 Public open space (POS) within the layout falls short of that required by policy H18 of the Councils UDP. At 30 sq m per unit approx. 1,000 sq m of POS should be provided, compared with 455 sq m of informal open space accommodated within the layout. Informal open space is provided to the boundary with the Liberal Club and adjacent the footpath link to Allen Croft.
- 10.13 It is proposed that the shortfall in POS be off-set by a financial contribution together with a contribution in lieu of formal equipped play provision within the layout to improve existing POS at Birkenshaw Park. The Council's Parks & Landscape section has been consulted and has calculated that the required contribution is £90,850. This can be secured by Section 106 agreement.
- 10.14 Policy BE12 relates to space about buildings and requires distances of 21m between habitable room windows and 12m between habitable room windows and non-habitable room windows or blank elevations.
- 10.15 The layout proposed satisfies the requirement of policy BE12 in relation to the minimum separation distances except for the relationship between plots 17/18 and no 77 Allen Croft.

- 10.16 No 77 Allen Croft was formerly a bungalow, planning permission was granted in 2007 for a first floor extension, conservatory and garage. There is a bathroom and bedroom window in the rear elevation at first floor level and the distance between rear facing habitable room windows is 14m; 21m should be maintained to accord with policy BE12. To resolve this issue, an amended house type for plots 17/18 has been submitted that proposes bungalows with dormers to the front elevation rather than houses.
- 10.17 In terms of the access to the Liberal Club and representations on their behalf, the planning permission for a single storey extension to the club is conditional upon the development being carried out in complete accordance with the plans and specifications listed in the decision notice. The car parking layout includes two parking spaces at the point where access from the new access road is proposed. These spaces would be displaced by the proposed access arrangement and if implemented, the extension to the club would technically be in breach of the condition. The residential layout has therefore been amended to address this issue providing an alternative vehicular access to the club.

**10.18 Scale:**

- 10.19 The scale of development proposed is predominantly 2 storey, with the two terraces of three properties sited centrally within the layout being 2 ½ storey, incorporating bedrooms within the roof space. The scale of development is considered to be in keeping with that of the local area.
- 10.20 Concern is expressed in representations about the relationship of the proposed development to existing properties on Allen Croft, given the difference in level between the site and Allen Croft and the proximity of the dwellings proposed, in particular the relationship between no 79 Allen Croft and plot 19.
- 10.21 Allen Croft is set at a lower level than the application site, a boundary wall to the rear of properties on Allen Croft acts to retain the site. There is mature landscaping and trees to the boundary which acts to screen the site.
- 10.22 In the rear elevation of no 79 Allen Croft there is a bathroom window at first floor level and kitchen window at ground floor. The main habitable aspect of the property is to the front and side elevations. Plot 19 would be 'gable on' to no 79 at a higher level.
- 10.23 The design of plots 19/20 has been amended to provide bungalows with dormers to the front elevation rather than houses. The amendments address the concerns in relation to scale.

**10.24 Appearance:**

- 10.25 The design and appearance of the houses are intended to be traditional with coursed stone walling, stone heads and cills and horizontal banding between floors. Roofing materials would be natural slate or slate derivative.

10.26 The appearance of the development proposed is considered to be acceptable

**10.27 Landscaping:**

10.28 A detailed landscaping scheme will be required by condition. Areas of informal open space within the layout provide opportunities for landscaping and tree planting; landscaping may also be used to break up the proposed courtyard parking areas

**10.29 Highways:**

10.30 This application seeks approval to the erection of 34 dwellings and associated parking at land off Croft Street, Birkenshaw. Access to the proposed development is from Old Lane via a proposed traditional estate road with traffic calming leading to a shared surface road. The development is for a mix of 15 three bedroom houses and 19 two bedroom houses consisting of semi-detached, terraced and 1 detached house

10.31 Access is provided to the existing Liberal club and the clubs existing parking arrangements are to be retained. Pedestrian links are to be retained from the Liberal Club car park to Town Street via James Street and to Bradford Road via Allen Croft.

10.32 Sight lines from the proposed new access onto Old Lane as existing are poor in both directions. Improvement works are therefore proposed including kerb realignment which will provide sight lines which meet recommended standards whilst maintaining acceptable carriageway and footway widths on Old Lane. An independent safety audit has been prepared by the applicants covering all aspects of these works.

10.33 There is a regular bus service running next to the development serving Bradford, Dewsbury, Batley and Thornhill Edge In order to encourage the use of the public transport services available, the developer should be conditioned to enter into Metro's Residential Metro Card (RMC).

10.34 The aim of the RMC is to encourage public transport use by house occupiers at new residential development sites through the provision of discounted annual Metro Cards and public transport information, thus helping to establish sustainable travel patterns from the very start. The Metro Card allows virtually unlimited travel on buses and trains throughout West Yorkshire, depending on the type of Metro Card purchased. The scheme provides an attractive benefit for new house occupiers, an incentive to purchasers of new homes and is aligned with planning guidance to encourage the use of suitable transport.

10.35 At this site Metro recommend that the RMC is secured through a Section 106 agreement for Residential Metro Card Scheme A – Bus Only. Based on the current scheme costs this would be  $34 \times \text{£}475.75 = \text{£}16175.50$ . The Section 106 should make it clear that the developer would be liable for any increase in

the cost of the tickets between signing of the S106 and the trigger point for this planning obligation.

- 10.36 Traffic surveys have been undertaken by the applicants. These surveys show that the maximum weekday peak hour flows are 158 north bound and 71 southbound in the AM peak and 166 northbound and 69 southbound in the PM peak.
- 10.37 Highways have undertaken an assessment of the trip generation for a development of 34 privately owned dwellings. The trip generation for proposed development site is estimated to be 20 two way movements in the Am peak hour and 21 in the PM peak hour.
- 10.38 Based on the survey information this would result in a split of 6 vehicle in and 14 out in the Am peak ,and 13 in and 8 out in the PM peak.
- 10.39 Highways consider that the level of traffic estimated to be generated by these proposals can be accommodated and will have no material impact on the safe operation of the local highway and will not significantly add to any congestion at the peak times on the local network.
- 10.40 Highways consider that the level of traffic estimated to be generated by these proposals can be accommodated and will have no material impact on the safe operation of the local highway and will not significantly add to any congestion at the peak times on the local network.
- 10.41 Improvement works are proposed to the Old Lane/Croft Street junction, the internal layout is considered acceptable and it is considered that the traffic generated by these proposals can be accommodated. It is therefore concluded that the development is considered acceptable, and highway have no wish to resist the granting of planning permission.

#### **10.42 Drainage/Flood Risk:**

- 10.43 The Council's Flood Risk & Drainage team and Yorkshire Water have been consulted on the application and raise no objections subject to the imposition of conditions. The Environment Agency has confirmed that it does not wish to comment on the application.
- 10.44 The requested condition relates to surface water discharge rates.
- 10.45 Subject to the imposition of conditions, it is considered that the proposed development is acceptable in relation to flood risk and drainage.

#### **10.46 Ecology:**

- 10.47 The applicant has submitted an ecological survey and the findings of the surveys have been considered and agreed by the Council's Ecologist. No objections have been raised subject to the imposition of conditions relating to the following:



- Provision of sparrow terraces and woodcrete boxes for starlings
- Installation of Swift boxes and bat tubes

10.48 Subject to these conditions, the development is considered acceptable in respect of ecology and accords with the guidance contained within the National Planning Policy Framework.

**10.49 Trees:**

10.50 The Council's Arboricultural Officer has been consulted on the application and has confirmed that there are no protected trees on site and that there are no objections to the proposals.

**10.51 Affordable housing:**

10.52 The requirement of Policy H10 of the UDP and SPD2 apply to developments of 5 or more dwellings. As a greenfield site, 30% of total floor space should be provided as affordable.

10.53 The applicant initially offered a provision 8 no 2 bed units. In order to fully meet the policy requirement a further provision of 1 no 2 bed and 1 no 3 bed unit has been negotiated.

10.54 The affordable provision from the development would therefore be 9 no 2 bed units and 1 no 3 bed unit which equates to 30% of total floor space and as such complies with the provisions of policy H10 and SPD 2.

10.55 Affordable housing policy in the emerging local plan would seek a provision of 20% of the number of units for developments of 10 or more dwellings. The Council's Cabinet considered a report on 15th November 16 proposing that this be adopted as an interim policy position for the purposes of Development Management. Cabinet agree to take this approach and to refer their recommendation to Council to adopt the policy which would allow it to be a material consideration in the decision making process on planning applications which will last until the Local Plan is formally adopted. At this time however the use of the Local Plan affordable housing policy for this application is not proposed and the applicant has committed to providing 30% of the total floorspace as affordable which equates to 10 units. The proposed split in tenure type is different to the UDP policy requirement however. Overall Officers consider the proposal to comply with the affordable housing policy requirements.

**10.56 Education:**

10.57 As 34 dwellings are proposed, this is above the threshold (25 or more dwellings) set out in 'Providing for Education Needs Generated by New Housing' (KMC Policy Guidance).

10.58 The School Places team have calculated that the development will require a contribution of £60,482 for Birkenshaw CE (VC) School. This can be secured by Section 106 agreement.

## **11.0 CONCLUSION**

11.1 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.

11.2 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.

## **12.0 CONDITIONS** (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Development Management)

1. Standard condition for the commencement of development.
2. Standard condition- development to be completed in accordance with approved plans.
3. Landscape condition
4. Landscape maintenance.
- 5 Submission of materials.
6. Boundary treatments to be approved.
7. Removal of PD rights (plots 17 and 18).
8. Highways conditions.
  - Junction improvements- Old Lane/ Croft Street;
  - Methods of storage and waste;
  - Parking provision secured and surfaced;
  - Internal adoptable roads specifications to be agreed.
  - Construction management plan
9. Drainage Strategy- surface water run off; flow routing and temporary drainage solutions

10. Environmental Health conditions

- Remediation Strategy;
- Unexpected contamination;
- Validation Report.
- Noise attenuation measures (between Club and nearest dwellings).

11. Bio diversity enhancement measures.

12. Provision of electric charging points.

**Background Papers:**

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2014%2f92893+>

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Originator: Bill Topping

Tel: 01484 221000

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## Report of the Head of Development Management

### STRATEGIC PLANNING COMMITTEE

Date: 01-Dec-2016

Subject: Planning Application 2016/93411 Outline application for erection of residential development Land to rear of, 125, Helme Lane, Meltham, Holmfirth, HD9 5RJ

### APPLICANT

Conroy Homes Ltd

### DATE VALID

10-Oct-2016

### TARGET DATE

09-Jan-2017

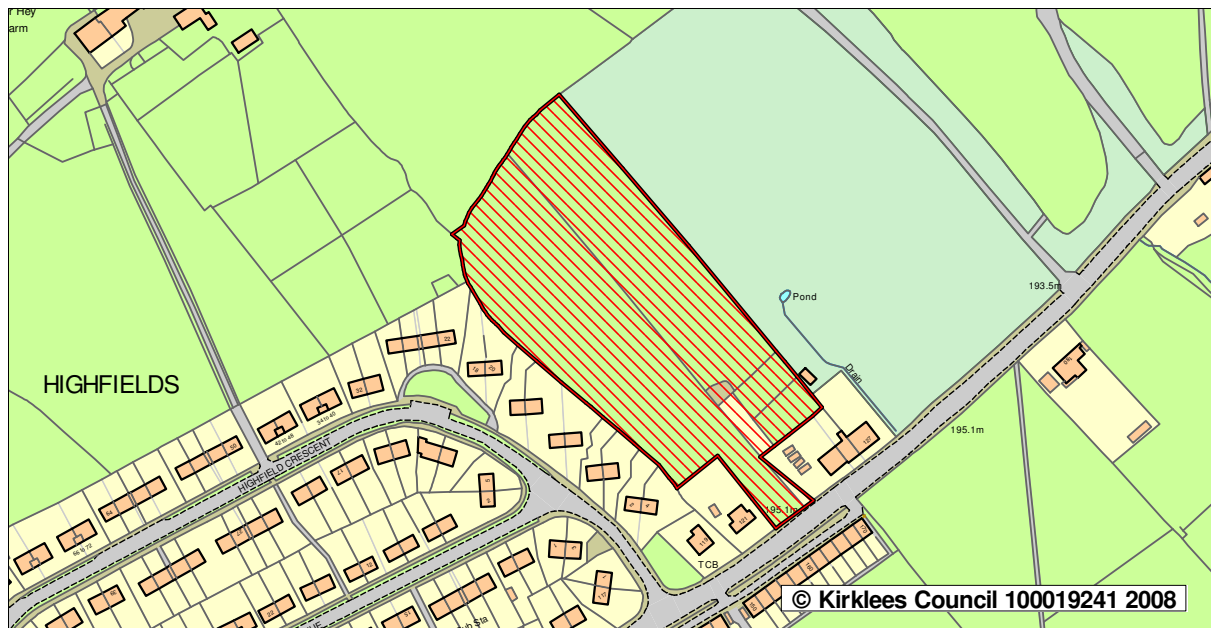
### EXTENSION EXPIRY DATE

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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

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**Electoral Wards Affected:**

Holme Valley North

Y

Ward Members consulted on pre-application enquiry  
(referred to in report)

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**RECOMMENDATION: GRANT CONDITIONAL OUTLINE PLANNING PERMISSION**

**1.0 INTRODUCTION:**

1.1 The application is brought to Committee as the site is in excess of 0.5ha and the development is a departure from the Councils Unitary Development Plan

**2.0 SITE AND SURROUNDINGS:**

2.1 The site comprises an area of 1.3ha and is located on Helme Lane, to the north eastern edge of Meltham. The site has a narrow frontage onto Helme Lane in between no's 121 and 125, then broadening to the rear of these existing properties that front onto Helme Lane. The site comprises 2 large fields and slopes up considerably from Helme Lane.

2.2. The site is flanked to the south west by dwellings on Highfield Crescent, to the north east by a substantial woodland area which is protected by a Tree Preservation Order and to the north west by a sloping hillside that is within the Green Belt.

2.3. The site is allocated as Provisional Open Land on the Unitary Development Plan.

**3.0 PROPOSAL:**

3.1 Outline permission is sought for residential development with access only applied for. Access is proposed off Helme Lane in between no's 121 and 125. An illustrative layout is submitted showing a total of 44 dwellings (a mix of semi-detached and terrace properties).

#### **4.0 RELEVANT PLANNING HISTORY.**

- 4.1 2014/93959 – Residential approval for 88 no dwellings on land off Helme Lane. (NB this site is on the opposite side of Helme Lane to this application, and is currently under construction).

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 This application was the subject of a pre application enquiry. Ward Members were advised of the enquiry. Advice was given at the preapplication stage was the principle of development was acceptable but the indicative layout was overly cramped and appeared as over development and the indicative drainage solution was not acceptable to the Council's drainage Engineer. These are matters which will require attention at Reserved Matters stage but do not affect the establishment of the principle of the development which the Outline application seeks to establish.

#### **6.0 PLANNING POLICY:**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007).
- 6.2 The Council's Local Plan will be published for consultation on 7th November 2016 under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council considers that, as at the date of publication, its Local Plan has limited weight in planning decisions. However, as the Local Plan progresses, it may be given increased weight in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (adopted 1999) remains the statutory Development Plan for Kirklees.

#### Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.3 D5 – Provisional open land  
H1- Housing needs of the district  
H10 – Affordable housing  
H18 – Provision of open space  
G6 – Land contamination  
NE9 – Retention of mature trees  
T1 – Transport Priorities  
T10 – Highway safety  
T19 – Parking standards.  
BE1 – Design principles

BE2 – Quality of design  
BE12 – Space about buildings  
BE23 – Crime prevention

Supplementary Planning Guidance / Documents:

- 6.4 SPD 2 “Affordable Housing”.  
Education Contributions generated by new development.

National Planning Guidance:

- 6.5 National Planning Policy Framework.
- Part 4 Promoting sustainable transport  
Part 6 Delivering a wide choice of high quality homes.  
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

**7.0 PUBLIC/LOCAL RESPONSE:**

- 7.1 The application has been publicised by site notices and neighbour letter. To date there have been 7 letters of objection. The main points of concern being:

- The existing road is very busy and additional dwellings would intensify its use and exacerbate existing problems with congestion and on street parking.
- Local schools are oversubscribed;
- The site is greenfield and further loss of green fields in this area should be resisted by the Council;
- There is already ample housing in Meltham;
- New development will exacerbate flooding problems in the area;
- The illustrative layout is over intensive, and if approval is forthcoming the number of dwellings should be significantly reduced, and incorporate bungalows;
- The scheme will have an adverse effect on residential amenity and privacy for properties on Highfield Crescent;
- The loss of these fields will put further pressure on wildlife in particular the twite, which is a red listed species, in need of protection.

- 7.2 Meltham Town Council- Support the application.

**8.0 CONSULTATION RESPONSES:**

**8.1 Statutory:**

**Yorkshire Water Authority** - No objections and recommend conditions.



**The Environment Agency** - Site is flood zone 1 but the EA have yet to formally comment. Their consultation response will be brought to Committee as part of the update report.

## 8.2 **Non-statutory:**

**KC Highways DM** - No objections recommend conditions

**KC Trees** - No objections, TPO'd trees on the boundary should be safeguarded and protected during development.

**KC Environment Unit** - No objections in principle to the development. Conditions should be added to ensure bio diversity enhancement, through the provision of bird and bat roost opportunities, but also the provision of appropriate boundary planting at Reserved Matters stage.

**KC Parks and Recreation** - The site as it is, given its character and location is considered to be an important open space of high quality. Should outline permission be granted then Policy H18 is applicable, and a financial contribution towards the improvements of nearby recreational facilities would be appropriate in this case.

**KC Strategic Housing** - There is a demonstrable need for affordable housing in the area, and affordable housing should be provided a part of the scheme on site. As the site is green field the relevant policy contribution is 30% of the gross floor area. This should be conditioned.

**KC Education Service** - An education contribution is required in this case. Based upon a total of 44 dwellings this would be £85,193.00. This should be secured through a Section 106 Agreement.

**KC Strategic Drainage.** Object to the scheme and the layout that is promoted. Feel that a satisfactory drainage strategy for that layout has not been submitted or researched.

Note: The application is for outline, with access only applied for. Layout and numbers are not applied for at this stage. The applicants have been advised of the above concerns, and have confirmed that they accept the indicative layout will have to be changed. As such it is not feasible to refuse the application on drainage grounds, at this stage, and drainage should be covered by appropriate conditions.

## 9.0 **MAIN ISSUES**

- Principle of development
- Urban design issues
- Residential amenity
- Landscape issues
- Housing issues
- Highway issues

- Drainage issues
- Planning obligations
- Representations
- Other matters

## **10.0 APPRAISAL**

### **10.1 Principle of development**

10.2 The site is allocated a Provisional Open Land on the Unitary Development Plan (UDP), and as such is subject to Policy D5, which safeguards such sites from development for the lifetime of the UDP.

10.3 The National Planning Policy Framework paragraph 49 indicates that housing applications should be considered in the context of the presumption in favour of sustainable development, and that should a 5 year supply of deliverable housing sites not be available then housing related policies should be regarded as out of date.

10.4 The Council is currently unable to demonstrate a 5 year supply of deliverable sites, and as such Policy D5 is out of date.

10.5 National Planning Policy paragraph 14 indicates a presumption in favour of sustainable development, unless any adverse effects would significantly and demonstrably outweigh the benefits of delivering new housing.

10.6 The site is located with good access to public transport, and the local and village centre, and school and medical facilities. As such it is considered to be in a sustainable location, and there is no objection to the release of this site for housing at this time.

### **10.7 Highway issues**

10.8 The proposal is for up to 44 dwellings with a new access to the south of the site onto Helme Lane(C557).

10.9 The application site is located approximately 700m to the east of Meltham town centre. The site is flanked by residential properties to the west and rural land to the north and east. Helme Lane connects Meltham with Helme and Blackmoorfoot to the north.

10.10 Helme Lane is subject to a 30 mph speed limit and has street lighting to main road standards. It has a carriageway width of 7.5m with 1.8m wide footways on both sides of the road.

10.11 The closest bus stops to the site are found on Helme Lane approximately 120m from the site. Further stops are found on Broadlands Road, Highfield Avenue and Slaithwaite Road. The closest railway station to the site is Slaithwaite station which is approximately 5km from the site. The station lies on the Huddersfield line with regular services between Huddersfield and Manchester.

- 10.12 Vehicular access will be provided along the site frontage from Helme Lane in the form of a simple priority junction. The alignment of the initial section of the proposed roadway is poor and may need re-alignment. However the proposed site layout is considered to be indicative only and demonstrates that the site could with amendment be able to accommodate the proposed 44 dwellings and provide sufficient off-street parking and internal vehicle turning. Parking for two existing properties fronting Helme Lane will also be served by the new proposed access.
- 10.13 Visibility splays of 2.4 x 43m can be provided in both directions, which accords with the 30mph speed limit on Helme Lane and the requirements of Manual for Streets. Two metre wide footways will be provided along both sides of the new main access road.
- 10.14 There have been no recorded injury accidents along Helme Lane within 100m of the proposed site access in the last 5 years.
- 10.15 There is an approved residential development site for 88 dwellings located on Helme Lane opposite and to the east of the current proposals (2014/93959). A traffic survey was carried out at the junction of Helme Lane and Broadlands Road in July 2014. This survey shows that in the AM peak 55% of 259 vehicles passing the site proceeded away from Meltham and in the PM peak the bias was 62% of 223 vehicles passing the site towards Meltham. The estimated predicted traffic generations for the proposed development are as follows:
- AM Peak 36 two way movements - 9 arrive 27 depart  
PM Peak 36 two way movements - 27 arrive 9 depart
- 10.16 To assess the proposed development's impact at the proposed site access a PICADY assessment has been carried out to include committed development from the adjacent site plus proposed development. The peak hour traffic flows have been increased using TEMPRO 6.2 to a design year of 2021. A junction capacity assessment has also been carried out at the Helme Lane / Broadlands Road junction using the PICADY computer program. This junction is approximately 130 metres to the west of the proposed site access and is on the bus route leading to Mean lane and Meltham town Centre. This junction was modelled in the weekday AM and PM peak hours (including committed development traffic) in the design year 2021. The results indicate that the proposed site access and Helme Lane / Broadlands Road junction will operate well within capacity
- 10.17 The proposals are considered acceptable from a highways point of view and no objection is raised.
- 10.18 Drainage issues

- 10.19 The site is within an area that is Flood Zone 1, (i.e. that which is least likely to flood). However as the site is in excess of 1.0 ha a Flood Risk Assessment has been submitted. No objections to the scheme have been received from the Yorkshire Water Authority or the Environment Agency
- 10.20 Given the topography of the site (sloping hillside) it is not considered that infiltration techniques are appropriate and as such, on site balancing and attenuation will be required to restrict the rate to greenfield run off as well as exploration of the potential to discharge to the neighbouring watercourse.
- 10.21 As this is an outline application it is considered that these matters can be satisfactorily dealt with by the imposition of conditions
- 10.22 Landscape/ Biodiversity
- 10.23 This application has been accompanied by an Ecological Report of the site and neighbouring area. The site comprises previously improved grassland and is of limited ecological value. The neighbouring woodland is of value for wildlife and foraging for bats.
- 10.24 Representations have been made that the development of this site would have an adverse effect on habitat and consequently that species of twite (a red listed protected species) would suffer.
- 10.25 This site is identified as a housing allocation within the emerging Local Plan and was considered in the Habitat Regulation Assessment for the Local Plan, which involved consultation with the RSPB. Although the site is within 2.5km of the boundary of the South Pennine Moors Special Protection Area, the habits are in themselves are unsuitable for supporting twite and any of the birds would need to overfly a significant part of Meltham in order to access the site. Such behaviour is unlikely
- 10.26 As such there is no objection in principle to residential development on this site. However as this is an outline application conditions are recommended to ensure bio diversity enhancement at a detailed stage. This should include not only the provision of bat and bird roost opportunities within the development, but adequate planting areas along the boundary of the site and appropriate species of trees and planting.

#### **10.27 Representations not covered above**

- 10.28 The objections to this scheme, broadly fall into 4 categories.
- 10.29 Loss of greenfield land should be resisted, and this is protected land.  
*Response: The site is allocated a POL, and as the Council is unable to demonstrate a 5 year supply of deliverable housing sites, housing on such sites is acceptable. This site is indicated for housing on the Emerging Local Plan.*

10.30 The development is over intensive, and would result in adverse effect on residential amenity, and put undue pressure on local infrastructure eg schools and doctors.

*Response: The application is outline and no siting or numbers are applied for at this stage. An appropriate conditions requiring the submission of a education contribution is recommended in accordance with the Councils Education policy. Medical infrastructure provision is not a matter the Local Planning Authority can determine.*

10.31 Traffic problems and congestion in the area will become worse.

*Response: The application is accompanied by a Transport Assessment that includes a cumulative effects of existing commitments and neighbouring developments, and it is considered that surrounding road network can satisfactorily accommodate the new residential development.*

10.32 The development of this site will have an adverse effect on wildlife habitat, in particular "twite" which are an endangered species.

*Response: The application is accompanied by an ecological survey, which identifies the site as improved grassland of limited value. The Councils Bio diversity Officer has been involved and discussed this with Yorkshire Wildlife Trust. –detailed response to this objection is included in the above assessment.*

10.33 The concerns about impacts on residential amenity and privacy.

*Response: these matters will all be considered at the detailed stage when Layout, Scale and Appearance are applied for.*

10.34 Planning obligations

10.35 This application is an outline application with access only applied for. Given the scale of the development Council policies regarding the provision of affordable housing, public open space and education contributions will all be applicable. The extent of these contributions will be calculated when a specific layout with numbers of dwellings is agreed and at that point the contributions will be secured by a Section106 obligation. At this stage the above matters are subject of appropriate conditions.

10.36 Other Matters

10.37 As an outline application only the principle of the use and access are applied for. In the event of an approval at Outline stage Reserved Matters for layout, scale, appearance and landscaping will be all be considered and will be the subject of a specific consultation exercise with neighbouring properties.

## **11.0 CONCLUSION**

11.1 There is no objection to the use of this site for housing in principle. It is consider to be in a sustainable location and the presumption in NPPF paragraph 14 weighs in favour. There are not considered to be any substantial adverse impacts that outweigh the benefits of providing new housing. Conditional outline approval is recommended.



**Background Papers:**

Application and history files

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f93411>+

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Originator: Louise Bearcroft

Tel: 01484 221000

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## Report of the Head of Development Management

### STRATEGIC PLANNING COMMITTEE

Date: 01-Dec-2016

**Subject: Planning Application 2016/92029 Erection of extension to existing Kingsgate Shopping Centre to form new Leisure Development including new cinema and restaurants, and demolition of existing buildings on the site including 20-22 Cross Church Street (partly within a Conservation Area) Proposed development site comprising, 20-22, Cross Church Street, Fleece Yard, Sun Inn Yard and White Lion Yard, Huddersfield, HD1 2TP**

#### APPLICANT

Peter Everest, WD  
Kingsgate Ltd

#### DATE VALID

20-Jun-2016

#### TARGET DATE

19-Sep-2016

#### EXTENSION EXPIRY DATE

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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

Electoral Wards Affected: **Newsome**

Yes

Ward Members consulted

### RECOMMENDATION:

**Grant conditional full planning permission subject to the delegation of authority to the Head of Development Management in order to complete the list of conditions contained within this report (and any added by the Committee) and to secure a S106 agreement to cover the following matters:**

- 1. To secure £185,000 towards highway improvement works on Cross Church Street.**
- 2. To secure £30,000 towards a public art work on Cross Church Street and £10,000 towards appropriate preparation of the area.**

**In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Development Management shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Development Management is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.**

## **1.0 INTRODUCTION:**

- 1.0 The principle of a mixed use leisure and retail development within this highly sustainable central town centre location is welcomed. The proposal would cause less than substantial harm to the affected heritage assets which would be outweighed by the economic and regeneration benefits. Members will recall visiting the site and then discussing the application and listed building consent at November Strategic Planning Committee as part of the Position Statement report. Members responded to the questions within the November Position Statement report as follows:
- 1.2 Members supported the principle of the development of a mixed use leisure and retail development in this town centre heritage location.
- 1.3 Members were comfortable with the extent of alteration and demolition proposed to the listed buildings and were also comfortable with the overall scale and massing of the cinema/retail building.
- 1.4 Members requested improvements to the relationship between the development and the Palace theatre student accommodation.
- 1.5 Members also requested the use of natural stone to the side elevations of the cinema building.
- 1.6 Members were supportive of a canopy to the front elevation but requested further design details and to improve the canopy's appearance.
- 1.7 Members were also supportive of the idea of improving the pedestrian feel to Cross Church Street and to seek improvements to the shop fronts and signage generally along Cross Church Street.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The site comprises land and buildings adjacent to the existing Kingsgate Shopping Centre within Huddersfield Town Centre. The site includes No's 20-26 Cross Church Street together with Fleece Yard, Sun Inn Yard and White Lion Yard. The site is located within the Huddersfield Town Centre insert map and located within the Huddersfield Town Centre Conservation Area.

## **3.0 PROPOSAL:**

- 3.1 The application seeks planning permission for an extension to the Kingsgate Centre to form a new leisure destination. This would include a cinema complex and restaurant space, and for an extension to the existing Next retail unit to provide an additional 1,949 sq m of retail floor space.
- 3.2 The extension would be large in scale, and have a functional appearance, which would extend from the rear of properties off Cross Church Street, across the existing yard areas to Venn Street, including land to the west of Oldgate House. Six restaurant units are proposed at mall level with a total

floor space of 2,911 sqm. The cinema entrance would be located at first floor with direct access from the mall via an escalator. The cinema multi-screen complex is located at second floor and comprises an area of 2,303 sqm. The proposed materials include reconstituted stone, metal cladding systems, render, curtain walling and metal feature beam. It is proposed that the highest level of wall cladding forming the envelope of the cinema level is to have a reflective, low maintenance, gloss finish.

- 3.3 The proposal would involve the partial demolition of two listed buildings: No's 20-22 Cross Church Street. The extent of demolition involves removal of the internal a ground floor wall which divides the two properties to in order to create an enlarged a pedestrian entrance to the cinema. The rear ground floor wall would also be removed to allow a new glazed link to connect to the rear of the listed buildings to the new cinema/restaurant element of the development. Following historic England's consultation response the canopy which was proposed extending out into the pavement above the ground floor of both 20 and 22 Cross Church Street has been omitted from the scheme. The scheme still proposes hanging sign and a proposal for public art on Cross Church Street to act as a way marker. The link to the interior of the Kingsgate Mall is via the existing location of the mid escape corridor which will be glazed top lit.
- 3.4 The existing service access point will remain off Venn Street, with an undercroft parking area of 8 spaces and the provision of a new ramp. The intention is to utilise the existing multi-storey parking to serve the proposed leisure development.

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 88/06698 – Outline application for retail development, refurbishment of Queen Street Mission and King St yards with ancillary parking & highway works – conditional outline permission
- 4.2 89/06911 – Outline for retail & ancillary development including refurbishment of the yards properties, environmental improvements and associated change of use – Conditional Outline permission
- 4.3 91/02220 – Reserved Matters for new shopping centre and associated development including car parking – Approval of reserved matters
- 4.4 96/92049 – Erection of covered shopping centre with car parking including use classes A1, A2, A3 (shops, financial & professional services, food & drink) and ancillary uses (amended proposals) – conditional full permission
- 4.5 96/93118 – Variation of condition 1a relating to the time limit for submission of reserved matters being extended to eight years on previous approval 89/06911 for outline application for retail and ancillary development including refurbishment of the yards – Conditional Full Permission

- 4.6 2001/90493 – Erection of centre-wide shop signage – Advertisement consent granted
- 4.7 2007/92060 – Outline application for extension to existing shopping centre to provide additional floor space (Class A1 and A3), basement car parking, servicing and associated development (partly within a conservation area) – Mind to refuse. Appeal upheld
- 4.8 2008/90016 – Outline application for extension to existing shopping centre to provide additional floor space (class A1 and A3), basement car parking, servicing and associated development (party within a conservation area) – Refused.
- 4.9 2011/91613 – Extension to time limit for implementing existing permission number 2007/60/92060/W1 for outline application for extension to existing shopping centre to provide additional floor space (class A1 and A3), basement car parking, servicing and associated development – Granted

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Officers have undertaken negotiations with the applicant to secure:
- A reduction in the height of the building of approximately 4metres.
  - Revised elevational details to secure corners to the highest cinema level to soften the building profile.
  - A revision to the roof profile of the 'Next' extension to widen the gap between the proposed building and neighbouring residential properties.
  - The introduction of Natural Yorkshire stone
  - Greater reflectivity introduced to the top level cladding
  - A reduction in the extent of demolition proposed to 20-22 Cross Church Street
  - It is the developers' intention to remove the proposed entrance feature (canopy) and details of amended plans will be reported to Members in the update.
  - A contribution towards improving Cross Church Street and making it more pedestrian friendly for shoppers and visitors.

## **6.0 PLANNING POLICY:**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007).
- 6.2 The Council's Local Plan will be published for consultation on 7th November 2016 under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council considers that, as at the date of publication, its Local Plan has limited weight in planning decisions. However, as the Local Plan progresses, it may be given increased weight in accordance with the guidance in paragraph 216 of the National Planning Policy

Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (adopted 1999) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.3 D2 – Unallocated land
- BE1 – Design principles
- BE2 – Quality of design
- BE12 – Space about buildings
- S1 – Town Centres/Local Centres shopping
- TC1 –Huddersfield Town Centre Policies
- T10 – Highway Safety
- G6 – Land contamination

National Planning Guidance:

- 6.4 Chapter 1 – Building a strong, competitive economy
- Chapter 2 – Ensuring the vitality of town centres
- Chapter 7 - Requiring good design
- Chapter 8 - Promoting healthy communities
- Chapter 10 - Meeting the challenge of climate change, flooding
- Chapter 11 – Conserving and Enhancing the Natural Environment
- Chapter 12 - Conserving and enhancing the historic environment

**7.0 PUBLIC/LOCAL RESPONSE:**

- 7.1 One representation have been received from Huddersfield Taxis Ltd

No objection as long as the office at 27 Cross Church Street will be accessible for vehicles to pick customers up 24 hours a day.

- 7.2 Huddersfield Civic Society – No objection to the plan in general but concern the proposed canopy protrudes too far into Cross Church Street and is garish in appearance. The street is already rather narrow and the canopy would further reduce its width as well as have a detrimental effect on the setting of the listed parish church. The way markers between the existing Kingsgate entrance and the proposed cinema entrance are also gaudy and unnecessary, detracting from the Conservation Area. The HCS have been reconsulted on the revised scheme and their comments will be brought to Committee in the Update report.

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

8.2 **K.C Highway Services** – No objections

8.3 **Historic England** – Accept the scheme as it stands with the exception of the new entrance feature. Unless this feature is removed, they object on the grounds that the proposal will result in major harm to the significance of the listed buildings, and would harm this part of the conservation area and the setting of the Grade II\* listed building. Historic England has confirmed verbally that if the canopy is removed, they would not exercise their right to call in the application to the Secretary of State.

8.4 **The Environment Agency** – No objections

8.5 **The Coal Authority** – No objections

### **8.6 Non-statutory:**

8.7 **K.C Environmental Services** – No objections

8.8 **Ecologist** – No objections

8.9 **K.C Conservation and Design** – No objections

8.10 **K.C Flood Management** – No objections

8.11 **The Victorian Society** – Objected to the original submission due to the size of the cinema building and the impact of the front canopy and the alterations to the frontage of the two listed buildings which form the entrance into the development. The VS have been reconsulted on the revised scheme and their comments will be brought to Committee in the Update report

8.12 **Council for British Archaeology** – Objected to the original submission due to the impact on the listed buildings, the conservation area and the setting of St Peters Church. The CBA have been reconsulted on the revised scheme and their comments will be brought to Committee in the Update report.

8.13 **Yorkshire Water** – No objections

8.15 **West Yorkshire Police Liaison Officer** – No objections

## **9.0 MAIN ISSUES**

- Principle of development
- Urban design issues
- Residential amenity
- Ecological Issues
- Highway issues

- Drainage issues
- Planning obligations
- Representations
- Other matters

## **10.0 APPRAISAL**

### **10.1 Principle of development**

10.1 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 site is without notation on the UDP Proposals Map and 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.

10.2 The NPPF sets out a presumption in favour of sustainable development. For decision taking this means ‘approving development proposals that accord with the development plan without delay’. Paragraph 23 of the NPPF states planning policies should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality; promote competitive town centres that provide customer choice and retain and enhance existing markets and, where appropriate re-introduce or create new ones, ensuring that markets remain attractive and competitive.

10.3 Policy TC1 of the UDP states the role of Huddersfield Town centre will be enhanced by:

- Improving the range, quality and quantity of shopping provision
- Increasing the amount of housing by conversion of properties and new building
- Encouraging additional employment opportunities
- Providing leisure and recreation facilities;
- Improving the quality of the built environment and open spaces
- Supporting the expansion of the University and Technical College
- Managing private and public transport to improve access and safety
- Extending the pedestrianisation of shopping streets and reducing town centre traffic, and
- Enabling development opportunities.

10.4 Considered against these objectives, the proposed extension to the Kingsgate centre would provide new leisure facilities, assist in improving the quantity of shopping provision, and would provide significant employment opportunities. The proposed economic benefits of the scheme are detailed in the supporting Economic Statement. The Kingsgate shopping centre makes up 33% of Huddersfield Town Centre’s total retail footprint, and there is an identified



need to secure the future vitality and viability of Kingsgate. The proposed retail extension to the 'Next' unit would continue to support the viability and vitality of the retail sector within the town centre and fully accords with the principals of chapter 1 of the NPPF. It is proposed that in addition to the construction jobs, 259 full time jobs would be created within the new development.

- 10.5 The proposed cinema and restaurant uses would enhance the existing night-time economy of the town centre by providing a different offer to that provided by the high concentration of public houses and hot food takeaways within the vicinity of the site. There would be significant public benefits to diluting the 'alcohol economy' in this part of the town centre and the proposal would strengthen the vitality and viability of the overall town centre.
- 10.6 The principle of a mixed use leisure and retail development within this highly sustainable central town centre location is welcomed. As such there are no objections to the principle of development.
- 10.7 Urban Design and Heritage Matters
- 10.8 The footprint of the proposed leisure complex is of a significant scale which would extend from the rear of properties off Cross Church Street, across the existing yard areas to Venn Street. The development footprint also extends into land to the west of Oldgate House to provide an extension to the existing Next unit. The site is partially located in the Huddersfield Town Centre Conservation Area, and the proposed development would affect a number of heritage assets including 20-22 Cross Church Street, all separately Grade II listed and the setting of several other listed buildings including St Peter's Church, Grade II\* listed.
- 10.9 The special interest of the conservation area is characterised by the town's nineteenth century buildings, a variety of streetscapes, alleyways and yards focused along the ancient east - west axis of Kirkgate and Westgate. During the late eighteenth and early nineteenth centuries, Huddersfield expanded rapidly with commercial and industrial development to the north and south of the market place. Cross Church Street is one of a number of north- south routes leading to Kirkgate and provides significant views of both St Peter's Church, Grade II\* listed and the former St Paul's Church. The historic street pattern, narrow plots and dense urban grain of Cross Church Street reflects the town's growth during this period and is characterised by the continuous streetscape.
- 10.10 The distinctive character of the street is strengthened by small scale commercial properties including 20 - 22 Cross Church Street (Grade II listed) constructed from Pennine Gritstone with a consistent pattern of fenestration and pitched roofs clad with stone slates. These buildings make a positive contribution to the conservation area and the setting of St Peter's Church.

- 10.11 Levels vary across the site, generally sloping downwards from Cross Church Street to Venn Street. Level pedestrian access would be achieved from Cross Church Street leading through to the proposed restaurant units and onto the existing shopping mall. The cinema complex is proposed on the upper floor with access provided via escalator. The roof line of the building would sit above that of neighbouring properties along Cross Church Street and the former Palace Theatre, and the building would have a functional box like appearance to be constructed of a mix of natural stone, reconstituted stone, aluminium cladding and render.
- 10.12 Paragraph 128 of the NPPF stipulates that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 131 states local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and the desirability of new development making a positive contribution to local character and distinctiveness.
- 10.13 Historic England supports the proposed development in principle, but raised a number of concerns regarding the scale and massing of the building and the impact on the conservation area, the impact on listed buildings 20-22 Cross Church Street, and the impact on the setting of several other listed buildings, including St Peter's church, grade II\* listed.
- 10.14 Officers have undertaken negotiations with the applicant to secure a reduction in the height of the building of 4.1 metres, together with revised elevational details to secure corners to the highest cinema level to soften the building profile. The proposed construction materials now include natural Yorkshire stone to the gable elevation, and the top level cladding would have greater reflectivity. Further negotiation has been undertaken with the developer, and it is their intention to increase the amount of natural Yorkshire Stone on the northern elevation to ensure that only natural stone is visible above and around the sides of the existing neighbouring building. The details of the amended plans will be reported to Members in the update.
- 10.15 The massing and height of the proposed building is still significant, and it is appropriate to give consideration as to how this compares to the previously approved scheme for an extension to the Kingsgate Centre in 2007. This was an outline application which sought to approve details of scale, approved at appeal in 2008 with a later extension of time granted in 2011. It is therefore a material consideration to the assessment of this application. The proposed height of the scheme is comparable to that previously proposed, although the footprint of the extension is significantly reduced in comparison to the 2007 scheme which previously incorporated both the former Palace Theatre and Oldgate House.

- 10.16 Historic England welcomes the revisions the applicant has made to the proposed scheme. They note the reduction in height of the proposed retail extension and consider it imperative that careful thought is given to the palette of materials to further mitigate the harm.
- 10.17 Revisions have also been secured to reduce the amount of demolition proposed to the listed buildings, and the treatment of the entrance off Cross Church Street. The relationship between the proposed mall and 20-22 Cross Church Street has been redesigned so that 22-22 will be clearly read as distinct buildings in their own right, and not confused as part of the new build proposal. A comprehensive set of enhancements are proposed to include the removal of modern features, and the entrance feature off Cross Church Street has been revised to allow less obstruction to views down the street towards St Peter's Church.
- 10.18 Historic England welcomes the refurbishment of the front elevations of 20-22 Cross Church Street, and consider this has the potential to enhance the buildings and the wider streetscape along this important route through the conservation area. They are also pleased to see the comprehensive schedule of alterations to the listed buildings, and the retention of more of the rear elevation, and the reduction in size of the opening link to the cinema. They welcome the retention of the first floor, although they remain concerned about the removal of the staircase from ground to first floor. They are concerned the proposed ladder access would preclude the use of the upper floors and remain to be convinced that the removal of this fabric will not harm the significance and use of the upper floors. They are also concerned that there is limited information regarding how structures will be adequately supported to form the opening at ground floor. In response to this, officers understand that the rooms will be left vacant which can be an issue for future maintenance. However, the existing stair is non-original so no historic fabric is to be removed and should the use change in the long term, a stair case can be reinstated. In the meantime it is proposed that ladder access is to be provided. Similarly this applies to the basement. Details of how the structure will be supported can be submitted through condition. This is an acceptable compromise.
- 10.19 Historic England still raise concerns about the extension of the frontage into Cross Church Street with the formation of a canopy which could obscure views of the listed buildings, including St Peters Church and the contribution 20-22 Cross Church Street make to the historic streetscape. The applicant has sought to overcome these matters by removing the proposed totem signage from the canopy and proposing a single hanging sign above. The applicant has also proposed to contribute £30,000 towards a public art work on Cross Church Street which would act as a way marker, together with £10,000 towards appropriate preparation of the area. In the most recent consultation Historic England remain to be convinced by the need for the projection into the street and why this cannot be achieved by appropriate signage, lighting and hard landscaping. They are concerned this addition will obscure views of the listed buildings including St Peters Church and the contribution the 20-22 Cross Church Street makes to the historic streetscape.

In response the developer has confirmed that they will be removing the proposed canopy from the proposal, and details of amended plans will be reported to Members in the update. Historic England has confirmed verbally that if the canopy is removed, they would not exercise their right to call in the application to the Secretary of State.

10.20 Subject to the above matters being addressed, it is likely that the proposal could amount to less than substantial harm. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The economic benefits of the scheme have already been stated. The applicant has offered a contribution towards highway improvement works along Cross Church Street to the value of £185,000, the details of which are considered in the highway section below. It is considered the proposed significant benefits to the town centre economy of Huddersfield, and the impacts on the vitality and viability would be sufficient to outweigh the harm in this case. This is however, dependent on the applicant addressing the concerns about the canopy.

#### 10.21 Residential Amenity

10.22 A core planning principle set out in the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. UDP Policy D2 requires the effect on residential amenity to be considered and policy BE12 sets out the normally recommended minimum distances between habitable and non-habitable room windows of existing and proposed dwellings.

10.23 The nearest residential properties to the site include student accommodation in the former Palace Theatre and Oldgate House and residential uses within the buildings off Cross Church Street.

10.24 The relevant distances are:

- 13 metres from the extension to habitable room windows of residential units within Oldgate House
- 2 metres from the extension to habitable room windows of the proposed residential units within the former Palace Theatre
- 2 metres from the extension to the rear of properties off Cross Church Street.

10.25 The distance of 12 metres achieved to the student accommodation at Oldgate House is considered to be acceptable. It is considered there would not be a detrimental overshadowing impact, or a loss of amenity on the occupants of this building.

- 10.26 In respect of the impact on residential properties off Cross Church Street, the only residential properties are at No.24 Cross Church Street. Planning permission was granted in 2012 (Ref 2012/93380) for the conversion for the basement, and first and second floors to residential accommodation. Planning permission was also granted in 2013 (Ref 2013/91196) for conversion of the roof space. The accommodation approved within the roof space is lit by roof lights, and on the first and second floors the rear windows which front onto the application site serve non habitable rooms. Within the basement the kitchen / dining space fronts onto the site. There would inevitably be an impact on outlook and light to the rear of this property, however, on balance, this is not considered to be unduly detrimental when weighed up against the wider benefits of the scheme.
- 10.27 The proposed extension would however, have a closer relationship with the student accommodation in the former Palace Theatre, made more acute by a recent planning approval (2016/91196) for an extension to the south of the former theatre to create additional units. This would have the effect of the proposed extension being brought even closer to residential units, which are yet to be constructed. This raises concern about loss of light to habitable rooms in those units which will front south onto the development site. Whilst there would be no window openings in the retail extension leading to a loss of privacy there would be an impact on light. Clearly this would be harmful to future occupiers if the extension to the Palace Theatre student development is constructed and occupied. To address this concern and following November's Position Statement report and discussion by Committee, the applicant has stepped the roof form of the building to increase the separation distance. The two upper floors of the building (floor level 4 & 5) would be relatively unaffected by the proposal, the third floor would suffer some loss of light, and the first and second floor would remain affected. It is clear the applicant has listened to the concerns of Members on this matter and sought to amend the scheme as much as is particularly possible to improve the amenity to the student flats. Several flats have now had their amenity significantly improved and others will see a benefit from the increased light to the flat windows which is considered overall as much as reasonably can be achieved. Weighing everything in the balance, it is considered the proposed regeneration benefits weigh in favour of the proposal.
- 10.28 In respect of noise, Environmental Services note the details submitted with the application gives a design target criteria for the proposed external plan fans on the roof. Given the proximity of existing residential units, i.e. the student accommodation on Kirkgate (old palace theatre) and Old Gate (old Council building) Environmental Services are concerned that this design target is too high. Therefore, a site specific noise report will be needed to produce an appropriate noise criteria based on BS4142:2014. We recommend that a rating level of 0dB be achieved when calculated at the façade of the residential units. Environmental Services raise no objections subject to the inclusion of a condition requesting a report specifying the measures to be taken to protect the occupants of nearby noise sensitive premises from noise.

#### 10.29 Ecological issues

10.30 UDP Policy EP11 requests that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. Due to the urban nature of the site and surrounding land the range of species that could potentially be affected by the proposals is low and typically there is limited opportunity for ecological enhancement. There are however, records of nesting swifts behind Oldgate House. The last record was in 2010 and at the time the colony was considered to be declining. This highlights the potential for ecological impacts and an offence under the Wildlife and Countryside Act 1981 (as amended), i.e. destruction of active bird nests, but also an opportunity for ecological enhancement. The Council's ecologist recommends that a bird breeding survey is undertaken to include the exterior of the buildings immediately adjacent to the proposed development and focusing on the potential for nesting swift. A survey has not been provided however, the ecologist is confident that subject to suitable mitigation, the proposal could be acceptable. This should include the provision of swift nests on the new building and can be secured by condition.

#### 10.31 Highway issues

10.32 Policy T10 of the UDP sets out the matters against which new development will be assessed in terms of highway safety. The site is located within the town centre and in a highly sustainable location. The intention is to utilise the existing facilities of Kingsgate car park as whilst the cinema / restaurant facility would be open throughout the day, the majority of use by non-shoppers will be during the evening when the car park is empty. This arrangement is considered to be acceptable.

10.33 In respect of servicing, the service access point for the development will be from the existing service yard of Kingsgate, and there will be no change to the entry / exit point. It is however, proposed to construct a new entrance ramp parallel to the existing to free up the existing ramp as an access point for TK Maxx and the new development. It is proposed the undercroft to the development would be used for staff car parking, recycling facilities, utilises and refuse disposal. Highway Services raise no objections to the proposed development.

10.34 As noted above the developer proposes to make a contribution of £185,000 towards Improvements works along the length of Cross Church Street. Members will recall their broad support at the November Committee meeting for the Council improving the appearance of Cross Church Street An indicative for information purposes only scheme has been prepared by the Council which includes the provision of a build out to accommodate the proposed entrance, block paving with planters, and the provision of a contraflow cycle lane along with a raising and narrowing of the carriageway to make a near smooth surface from one side of the street to the other. The increased footway widths would involve the removal of the on street car parking that exists and the removal of the taxi rank and would be subject to consideration under the Highway Acts separate to this planning application. If

the Council decides to pursue these works to the Cross Church Street in order to improve the pedestrian and cyclist experience and to upgrade the streetscape, this would enhance the setting of the listed buildings and make a positive contribution to improving this part of the conservation area. It would also contribute to the vitality and viability of the town centre. The proposed improvement works would be undertaken by the Council using the proposed developer's contribution to part fund the works. The proposed improvements are considered to represent a significant environmental improvement to this part of the town centre, and the monetary contribution would be secured through a Section 106 agreement.

#### 10.35 Drainage issues

10.36 The NPPF sets out the responsibilities for Local Planning Authorities in determining planning applications, including flood risk assessments taking climate change into account and the application of the sequential approach. The applicant has indicated an intention to discharge surface water to the public sewer. Given the location of the development, in the built up central area, there is little scope to provide space for attenuation to meet the 30% flow guideline. The area only shows combined sewers and no other systems, and is 100% positively drained. Kirklees Flood Management do not object to connections to the public sewer network. However, they advise that alternative measures such as green or blue roof systems incorporating attenuation of flows, and/or grey water recycling should be secured. The Local Authority are obligated to ensure SUDS systems are considered, and would be beneficial in combatting the impact of climate change on local drainage networks. This could be addressed through condition.

10.37 Yorkshire Water initially objected as the proposed building would be sited over the public sewerage system and would jeopardise Yorkshire Water's ability to maintain the system. The developer has liaised with Yorkshire Water to agree a sewer diversion, and on this basis they have removed their objection. Drainage issues are addressed subject to conditions.

#### 10.38 Representations

10.39 One representation has been received from Huddersfield Taxis Ltd. They note that they would raise no objection as long as the office at 27 Cross Church Street will be accessible for vehicles to pick customers up 24 hours a day. In response the proposed improvement works to Cross Church Street would be via a separate process to the planning application and subject to appropriate consultation.

10.40 The amended plans publicity expires on 25<sup>th</sup> November and any further comments received will be brought to Committee in the Update report.

10.41 The Civic Society have commented on the original plans and raise no objection in general but are concerned that the proposed canopy protrudes too far into Cross Church Street and is garish in appearance. They are concerned the canopy would further reduce the limited width of the road as

well as have a detrimental effect on the setting of the listed parish church. They are also concerned that the way markers between the existing Kingsgate entrance and the proposed cinema entrance are gaudy and unnecessary, detracting from the Conservation Area. In response to this, the proposed way markers have been omitted, to be replaced by a piece of public art, and it is the developers' intention to remove the canopy. The HCS have been reconsulted on the revised scheme and their comments will be brought to Committee in the Update report.

#### 10.42 Planning obligations

10.43 The applicant has offered a contribution towards highway improvement works along Cross Church Street to the value of £185,000, and £30,000 towards a public art work on Cross Church Street and £10,000 towards appropriate preparation of the area. This will be secured by a Section 106 agreement.

#### 10.44 Other Matters

#### 10.45 Health and Safety

The site falls within the defined Development High Risk Area where there are coal mining features and hazards which need to be considered. The Coal Authority note the applicant has obtained appropriate and up-to-date coal mining information, this identifies the site has been subject to past coal mining activity, namely unrecorded probable historic shallow coal workings. The report concludes that further site investigations are to be undertaken to establish the exact situation regarding coal mining legacy. The Coal Authority has no objection subject to the imposition of appropriate conditions.

#### 10.46 Air Quality

Huddersfield Town Centre is currently an Area of Concern. It is the Policy of the Councils that in areas of concern, where developments will have a negative impact on air quality, that the impact should be assessed and mitigated against. Environmental Services therefore request that the developer submit a report that assesses the impact the development could have on Local Air Quality. In particular, the pollution damage costs attributed to the proposal are to be calculated to determine the amount of mitigation required to reduce this impact. The report should specify what measures the developer intends to take to reduce this impact. Subject to the inclusion of appropriate conditions, air quality matters are addressed.

#### 10.47 Contamination

Environmental Services have assessed the Phase 1 Report and raise no objections subject to the inclusion of a Phase II report and remediation strategy. Contamination land issues can be addressed through condition.



## 10.48 Environmental Matters

The Environment Agency raise no objections as they controlled waters at this site are of low environmental sensitivity.

### 11.0 **CONCLUSION**

11.1 The principle of a mixed use leisure and retail development within this highly sustainable central town centre location is welcomed. The proposal would cause less than substantial harm to the affected heritage assets which would be outweighed by the substantial economic and regeneration benefits to this part of the town centre.

11.23 The harm to the living conditions of the student flats if the extension to the Palace theatre was built has been discussed within the report. The scheme has been amended in light of the concerns raised by Members about this relationship and although the first and second floor flats would be affected the upper 3 levels of accommodation have had their amenity either significantly or noticeably improved by the amendments the developer has made to the plans. Overall therefore weighing the benefits against the impacts of the scheme it is clear that the planning balance falls in favour of the application. As such the application is recommended for approval.

12.0 **CONDITIONS** (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Development Management)

1. Timeframe for implementation
2. Development in accordance with the approved Plans
3. A Phase II Contaminated Land Report
4. Remediation Strategy
5. Validation Report
6. Scheme of drainage measures to incorporate green or blue roof systems and / or grey water recycling
7. Prevention of any building over or within 3 metres either side of the centre line of the public combined sewers
8. A scheme for the proposed means of disposal of foul and surface water drainage, including details of any redirection of flows linked to sewer diversion.
9. Prevention of any building 3 metres either side of the live water main.
10. Scheme detailing intended crime prevention measures
11. A Noise Report specifying measures to protect occupants of nearby noise sensitive premises at Kirkgate and Oldgate.
12. Air Quality Impact Report
13. The provision of swift nesting opportunities
14. Details of how the listed buildings will be supported.

**Background Papers:**

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f92029>

Certificate of Ownership – Notice served on:

Mr David Harvey of 6 Cross Church Street  
The owner of 28 Kirkgate  
The owner of 41 Kirkgate  
Jonathan Wilson of 14 St Georges Square  
Phil Kelly of 90 New North Road  
Mr Patel of 100 Westbourne Road  
Messrs Forshaw of 14 Wood Street  
Martyn Roe of 6-8 James Street  
The Owner of 14-16 Cross Church Street  
The Owner of 18 Cross Church Street  
The Owner of 18 Cross Church Street  
The Owner of 20 Cross Church Street  
The Owner of 22 Cross Church Street  
The Owner of 24 Cross Church Street  
The Owner of 26 Cross Church Street  
The Owner of 28 Cross Church Street  
The Owner of 26 Kirkgate



Originator: Louise Bearcroft

Tel: 01484 221000

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## Report of the Head of Development Management

### STRATEGIC PLANNING COMMITTEE

Date: 01-Dec-2016

**Subject: Planning Application 2016/92030 Listed Building Consent for erection of extension to existing Kingsgate Shopping Centre to form new Leisure Development including new cinema and restaurants, and demolition of existing buildings on the site including 20-22 Cross Church Street (partly within a Conservation Area) Proposed development site comprising: 20, Proposed Kingsgate Leisure and Retail Development, 20-22 Cross Church Street, Fleece Yard, Sun Inn Yard, White Lion Yard, land at r, Huddersfield, Cross Church Street, Huddersfield, HD1 2TP**

#### APPLICANT

Peter Everest, WD  
Kingsgate Ltd

#### DATE VALID

20-Jun-2016

#### TARGET DATE

15-Aug-2016

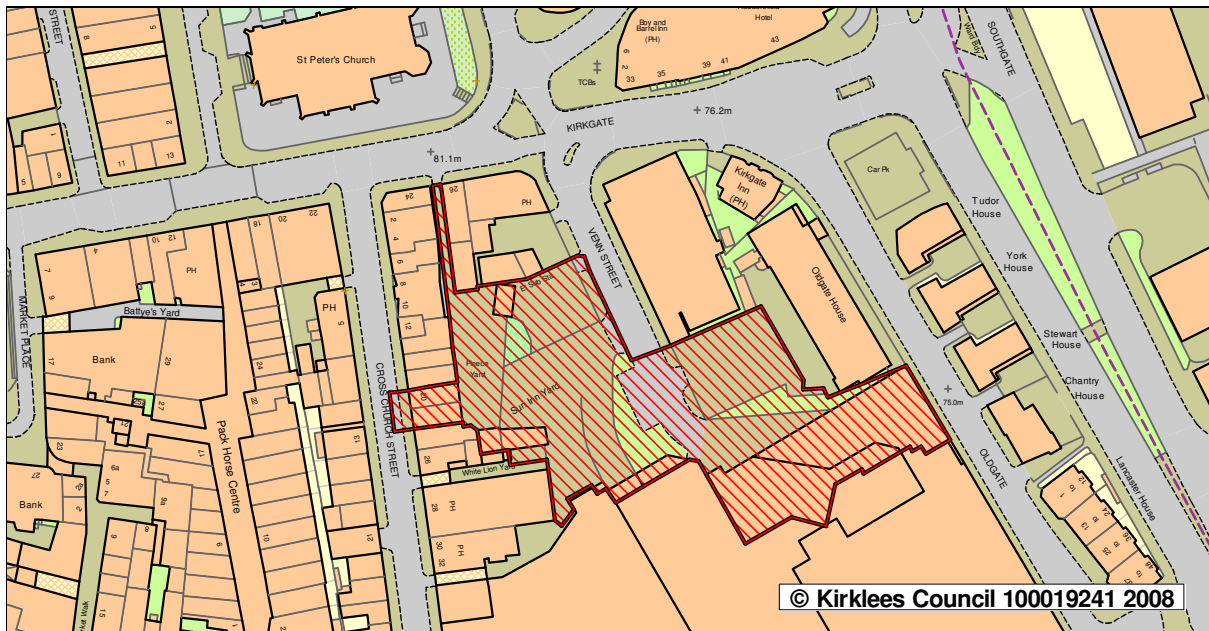
#### EXTENSION EXPIRY DATE

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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

**Electoral Wards Affected: Newsome**

Yes

Ward Members consulted

## RECOMMENDATION: Grant Listed Building Consent

### 1.0 INTRODUCTION:

1.1 The application is submitted in conjunction with a corresponding planning application which seeks permission for the erection of an extension to the Kingsgate Centre to form a new leisure destination.

### 2.0 SITE AND SURROUNDINGS:

2.1 The site comprises land and buildings adjacent to the existing Kingsgate Shopping Centre within Huddersfield Town Centre. The site includes No's 20-26 Cross Church Street together with Fleece Yard, Sun Inn Yard and White Lion Yard. The site is located within the Huddersfield Town Centre insert map and located within the Huddersfield Town Centre Conservation Area.

### **3.0 PROPOSAL:**

- 3.1 The application seeks listed building consent for the erection of an extension to the Kingsgate Centre to form a new leisure destination. This would include a cinema complex and restaurant space, and for an extension to the existing Next retail unit to provide an additional 1,949 sq m of retail floor space.
- 3.2 The extension would be large in scale, and have a functional appearance, which would extend from the rear of properties off Cross Church Street, across the existing yard areas to Venn Street, and including land to the west of Oldgate House. Six restaurant units are proposed at mall level with a total floor space of 2,911 sqm. The cinema entrance would be located at first floor with direct access from the mall via an escalator. The cinema multi-screen complex is located at second floor and comprises an area of 2,303 sqm. The proposed materials include reconstituted stone, metal cladding systems, render, curtain walling and metal feature beam. It is proposed the highest level of wall cladding forming the envelope of the cinema level is to have a reflective, low maintenance, gloss finish.
- 3.3 The proposal would involve the partial demolition of two listed buildings: No's 20-22 Cross Church Street. The extent of demolition involves removal of the internal a ground floor wall which divides the two properties to in order to create an enlarged a pedestrian entrance to the cinema. The rear ground floor wall would also be removed to allow a new glazed link to connect to the rear of the listed buildings to the new cinema/restaurant element of the development. A proposed hanging sign and a proposal for public art on Cross Church Street to act as a way marker are included in these proposals. Note – The developer now proposes to remove the proposed canopy and details of amended plans will be reported to Members in the update. The link to the interior of the Kingsgate Mall is via the existing location of the mid escape corridor which will be glazed top lit.
- 3.4 The existing service access point will remain off Venn Street, with an undercroft parking area of 8 spaces and the provision of a new ramp. The intention is to utilise the existing multi-storey parking to serve the proposed leisure development.

### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

- 4.1 88/06698 – Outline application for retail development, refurbishment of Queen Street Mission and King St yards with ancillary parking & highway works – conditional outline permission
- 4.2 89/06911 – Outline for retail & ancillary development including refurbishment of the yards properties, environmental improvements and associated change of use – Conditional Outline permission
- 4.3 91/02220 – Reserved Matters for new shopping centre and associated development including car parking – Approval of reserved matters

- 4.4 96/92049 – Erection of covered shopping centre with car parking including use classes A1, A2, A3 (shops, financial & professional services, food & drink) and ancillary uses (amended proposals) – conditional full permission
- 4.5 96/93118 – Variation of condition 1a relating to the time limit for submission of reserved matters being extended to eight years on previous approval 89/06911 for outline application for retail and ancillary development including refurbishment of the yards – Conditional Full Permission
- 4.6 2001/90493 – Erection of centre-wide shop signage – Advertisement consent granted
- 4.7 2007/92060 – Outline application for extension to existing shopping centre to provide additional floor space (Class A1 and A3), basement car parking, servicing and associated development (partly within a conservation area) – Mind to refuse. Appeal upheld
- 4.8 2008/90016 – Outline application for extension to existing shopping centre to provide additional floor space (class A1 and A3), basement car parking, servicing and associated development (party within a conservation area) – Refused.
- 4.9 2011/91613 – Extension to time limit for implementing existing permission number 2007/60/92060/W1 for outline application for extension to existing shopping centre to provide additional floor space (class A1 and A3), basement car parking, servicing and associated development – Granted

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Officers have undertaken negotiations with the applicant to secure:
- A reduction in the height of the building
  - Revised elevational details to secure corners to the highest cinema level to soften the building profile, and widen the gap between the proposed building and neighbouring residential properties.
  - Real Yorkshire Stone introduced to the gable elevation
  - Greater reflectivity introduced to the top level cladding
  - A reduction in the extent of demolition proposed to 20-22 Cross Church Street
  - It is the developers' intention to remove the proposed entrance feature (canopy) and details of amended plans will be reported to Members in the update.

## **6.0 PLANNING POLICY:**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007).

- 6.2 The Council's Local Plan will be published for consultation on 7th November 2016 under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council considers that, as at the date of publication, its Local Plan has limited weight in planning decisions. However, as the Local Plan progresses, it may be given increased weight in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (adopted 1999) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.3 BE1 – Design principles  
BE2 – Quality of design

National Planning Guidance:

- 6.4 Chapter 12 - Conserving and enhancing the historic environment

**7.0 PUBLIC/LOCAL RESPONSE:**

- 7.1 Huddersfield Civic Society – No objection to the plan in general but concern the proposed canopy protrudes too far into Cross Church Street and is garish in appearance. The street is already rather narrow and the canopy would further reduce its width as well as have a detrimental effect on the setting of the listed parish church. The way markers between the existing Kingsgate entrance and the proposed cinema entrance are also gaudy and unnecessary, detracting from the Conservation Area. The HCS have been reconsulted on the revised scheme and their comments will be brought to Committee in the Update report.

**8.0 CONSULTATION RESPONSES:**

**8.1 Statutory:**

- 8.2 **Historic England** – Accept the scheme as it stands with the exception of the new entrance feature. Unless this feature is removed, they object on the grounds that the proposal will result in major harm to the significance of the listed buildings, and would harm this part of the conservation area and the setting of the Grade II\* listed building. Historic England has confirmed verbally that if the canopy is removed, they would not exercise their right to call in the application to the Secretary of State.

**Non Statutory:**

- 8.3 **K.C Conservation and Design** – No objections

8.4 **The Victorian Society** – Objected to the original submission due to the size of the cinema building and the impact of the front canopy and the alterations to the frontage of the two listed buildings which form the entrance into the development. The VS have been reconsulted on the revised scheme and their comments will be brought to Committee in the Update report

8.5 **Council for British Archaeology** – Objected to the original submission due to the impact on the listed buildings, the conservation area and the setting of St Peters Church. The CBA have been reconsulted on the revised scheme and their comments will be brought to Committee in the Update report.

## 9.0 MAIN ISSUES

- Urban design issues
- Planning obligations
- Representations

## 10.0 APPRAISAL

### 10.1 Principle of development

The principle of a mixed use leisure and retail development within this highly sustainable central town centre location is welcomed. As such there are no objections to the principle of development.

### 10.2 Urban Design and Heritage Matters

10.3 The footprint of the proposed leisure complex is of a significant scale which would extend from the rear of properties off Cross Church Street, across the existing yard areas to Venn Street. The development footprint also extends into land to the west of Oldgate House to provide an extension to the existing Next unit. The site is partially located in the Huddersfield Town Centre Conservation Area, and the proposed development would affect a number of heritage assets including 20-22 Cross Church Street, all separately Grade II listed and the setting of several other listed buildings including St Peter's Church, Grade II\* listed.

10.4 The special interest of the conservation area is characterised by the town's nineteenth century buildings, a variety of streetscapes, alleyways and yards focused along the ancient east - west axis of Kirkgate and Westgate. During the late eighteenth and early nineteenth centuries, Huddersfield expanded rapidly with commercial and industrial development to the north and south of the market place. Cross Church Street is one of a number of north- south routes leading to Kirkgate and provides significant views of both St Peter's Church, Grade II\* listed and the former St Paul's Church. The historic street pattern, narrow plots and dense urban grain of Cross Church Street reflects the town's growth during this period and is characterised by the continuous streetscape.



- 10.5 The distinctive character of the street is strengthened by small scale commercial properties including 20 - 22 Cross Church Street (Grade II listed) constructed from Pennine Gritstone with a consistent pattern of fenestration and pitched roofs clad with stone slates. These buildings make a positive contribution to the conservation area and the setting of St Peter's Church.
- 10.6 Levels vary across the site, generally sloping downwards from Cross Church Street to Venn Street. Level pedestrian access would be achieved from Cross Church Street leading through to the proposed restaurant units and onto the existing shopping mall. The cinema complex is proposed on the upper floor with access provided via escalator. The roof line of the building would sit above that of neighbouring properties along Cross Church Street and the former Palace Theatre, and the building would have a functional box like appearance to be constructed of a mix of reconstituted stone, aluminium cladding and render.
- 10.7 Paragraph 128 of the NPPF stipulates that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 131 states local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and the desirability of new development making a positive contribution to local character and distinctiveness.
- 10.8 Historic England supports the proposed development in principle, but raised a number of concerns regarding the scale and massing of the building and the impact on the conservation area, the impact on listed buildings 20-22 Cross Church Street, and the impact on the setting of several other listed buildings, including St Peter's church, grade II\* listed.
- 10.9 Officers have undertaken negotiations with the applicant to secure a reduction in the height of the building of 4.1 metres, together with revised elevational details to secure corners to the highest cinema level to soften the building profile. The proposed construction materials now include natural Yorkshire stone to the gable elevation and the top level cladding would have greater reflectivity. Further negotiation has been undertaken with the developer, and it is their intention to increase the amount of natural Yorkshire Stone on the northern elevation. The details of the amended plans will be reported to Members in the update.
- 10.10 The massing and height of the proposed building is still significant, and it is appropriate to give consideration as to how this compares to the previously approved scheme for an extension to the Kingsgate Centre in 2007. This was an outline application which sought to approve details of scale, approved at appeal in 2008 with a later extension of time granted in 2011. It is therefore a material consideration to the assessment of this application. The proposed height of the scheme is comparable to that previously proposed, although the

footprint of the extension is significantly reduced in comparison to the 2007 scheme which previously incorporated both the former Palace Theatre and Oldgate House.

- 10.11 Historic England welcomes the revisions the applicant has made to the proposed scheme. They note the reduction in height of the proposed retail extension and consider it imperative that careful thought is given to the palette of materials to further mitigate the harm.
- 10.12 Revisions have also been secured to reduce the amount of demolition proposed to the listed buildings, and the treatment of the entrance off Cross Church Street. The relationship between the proposed mall and 20-22 Cross Church Street has been redesigned so that 22-22 will be clearly read as distinct buildings in their own right, and not confused as part of the new build proposal. A comprehensive set of enhancements are proposed to include the removal of modern features, and the entrance feature off Cross Church Street has been revised to allow less obstruction to views down the street towards St Peter's Church.
- 10.13 Historic England welcomes the refurbishment of the front elevations of 20-22 Cross Church Street, and consider this has the potential to enhance the buildings and the wider streetscape along this important route through the conservation area. They are also pleased to see the comprehensive schedule of alterations to the listed buildings, and the retention of more of the rear elevation, and the reduction in size of the opening link to the cinema. They welcome the retention of the first floor, although they remain concerned about the removal of the staircase from ground to first floor. They are concerned the proposed ladder access would preclude the use of the upper floors and remain to be convinced that the removal of this fabric will not harm the significance and use of the upper floors. They are also concerned that there is limited information regarding how structures will be adequately supported to form the opening at ground floor. In response to this, officers understand that the rooms will be left vacant which can be an issue for future maintenance. However, the existing stair is non-original so no historic fabric is to be removed and should the use change in the long term, a stair case can be reinstated. In the meantime it is proposed that ladder access is to be provided. Similarly this applies to the basement. Details of how the structure will be supported can be submitted through condition.
- 10.14 Historic England still raise concerns about the extension of the frontage into Cross Church Street with the formation of a canopy which could obscure views of the listed buildings, including St Peter's Church and the contribution 20-22 Cross Church Street make to the historic streetscape. The applicant has sought to overcome these matters by removing the proposed totem signage from the canopy and proposing a single hanging sign above. The applicant has also proposed to contribute £30,000 towards a public art work on Cross Church Street which would act as a way marker, together with £10,000 towards appropriate preparation of the area. Historic England remain to be convinced by the need for the projection into the street and why this cannot be achieved by appropriate signage, lighting and hard landscaping.

They remain concerned these additions will obscure views of the listed buildings including St Peters Church and the contribution the 20-22 Cross Church Street makes to the historic streetscape. In response the developer has confirmed that they will be removing the proposed canopy from the proposal, and details of amended plans will be reported to Members in the update. Historic England has confirmed verbally that if the canopy is removed, they would not exercise their right to call in the application to the Secretary of State.

10.15 Subject to the above matters being addressed, it is likely that the proposal could amount to less than substantial harm. Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The economic benefits of the scheme have already been stated. The applicant has offered a contribution towards highway improvement works along Cross Church Street to the value of £185,000, the details of which are considered in the highway section below. It is considered the proposed significant benefits to the town centre economy of Huddersfield, and the impacts on the vitality and viability would be sufficient to outweigh the harm in this case. This is however, dependent on the applicant addressing the concerns about the canopy.

#### 10.16 Representations

10.17 The Civic Society have commented on the original plans and raise no objection in general but are concerned that the proposed canopy protrudes too far into Cross Church Street and is garish in appearance. They are concerned the canopy would further reduce the limited width of the road as well as have a detrimental effect on the setting of the listed parish church. They are also concerned that the way markers between the existing Kingsgate entrance and the proposed cinema entrance are gaudy and unnecessary, detracting from the Conservation Area. In response to this, the proposed way markers have been omitted, to be replaced by a piece of public art, and it is the developers' intention to remove the canopy. The HCS have been reconsulted on the revised scheme and their comments will be brought to Committee in the Update report.

10.18 The amended plans publicity expires on 25<sup>th</sup> November and any comments received will be brought to Committee in the Update report.

#### 10.19 Planning obligations

10.20 The applicant has offered a contribution towards highway improvement works along Cross Church Street to the value of £185,000, and £30,000 towards a public art work on Cross Church Street and £10,000 towards appropriate preparation of the area. This will be secured by a Section 106 agreement on the corresponding planning application.

## **11.0 CONCLUSION**

11.1 The proposal would cause less than substantial harm to the affected heritage assets which would be outweighed by the economic and regeneration benefits.

**12.0 CONDITIONS** (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Development Management)

1. Timeframe for implementation
2. Development in accordance with the approved Plans

### **Background Papers:**

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f92030>

Certificate of Ownership – Notice served on:

Mr David Harvey of 6 Cross Church Street  
The owner of 28 Kirkgate  
The owner of 41 Kirkgate  
Jonathan Wilson of 14 St Georges Square  
Phil Kelly of 90 New North Road  
Mr Patel of 100 Westbourne Road  
Messrs Forshaw of 14 Wood Street  
Martyn Roe of 6-8 James Street  
The Owner of 14-16 Cross Church Street  
The Owner of 18 Cross Church Street  
The Owner of 18 Cross Church Street  
The Owner of 20 Cross Church Street  
The Owner of 22 Cross Church Street  
The Owner of 24 Cross Church Street  
The Owner of 26 Cross Church Street  
The Owner of 28 Cross Church Street  
The Owner of 26 Kirkgate



Originator: Adam Walker

Tel: 01484 221000

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## Report of the Head of Development Management

### STRATEGIC PLANNING COMMITTEE

Date: 01-Dec-2016

**Subject: Planning Application 2016/92181 Outline application for erection of residential development (116 dwellings) and formation of new access to Woodhead Road Land off, Woodhead Road, Honley, Holmfirth, HD9 6PR**

#### APPLICANT

Tim Williams, Miller  
Homes Ltd

#### DATE VALID

04-Jul-2016

#### TARGET DATE

03-Oct-2016

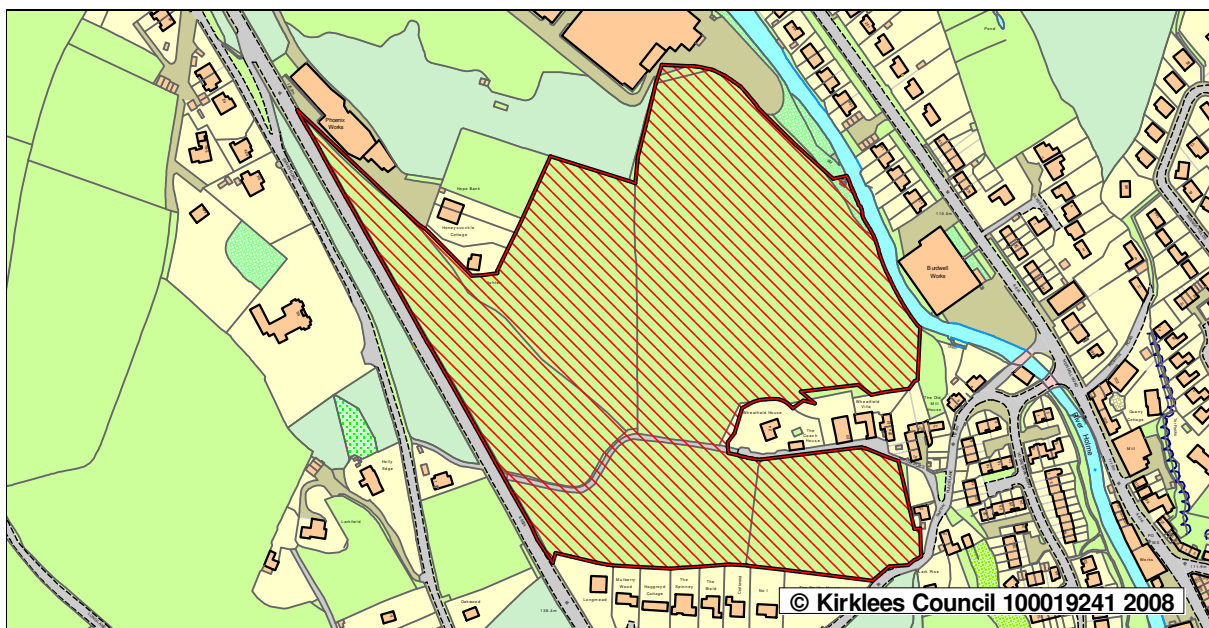
#### EXTENSION EXPIRY DATE

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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

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**Electoral Wards Affected:**

**Holme Valley North Ward**

Yes

Ward Members consulted  
(referred to in report)

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**RECOMMENDATION:**

**REFUSE ON HIGHWAY SAFETY GROUNDS**

- 1. The proposed access arrangements for the development site, which is for a signalled controlled layout, would be detrimental to highway safety and efficiency in this location. The harm to highway safety is not outweighed by any other material considerations.**
- 2. In the absence of a completed Section 106 agreement the development fails to provide for Educational requirements, affordable housing provision, public open space and travel planning requirements.**

**1.0 INTRODUCTION:**

- 1.1 The proposals are brought forward to the Strategic Committee for determination in accordance with the Council's Scheme of Delegation, as the development represents a departure from the provisions of the Unitary Development Plan and the total number of dwellings exceeds 60 units.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 The site is split into 3 open grassed fields that lie to the east of Woodhead Road. The fields are bounded by lines of mature trees along field boundaries and there are also a number of individual large mature trees within the fields. Many of these trees are protected. Three public rights of way (footpaths) converge within the southern part of the site and link Smithy Place Lane and Woodhead Road.
- 2.2 Towards the north of the site are large commercial premises and to the west is the River Holme with housing and a commercial site beyond. To the south is residential development with the site also surrounding a small row of houses on Smithy Place Lane.

**3.0 PROPOSAL:**

- 3.1 Outline application for erection of residential development (116 dwellings) and formation of new access to Woodhead Road.

- 3.2 The application seeks approval for the access only. Layout, scale, appearance and landscaping are reserved for future approval.
- 3.3. The new access is to the southern part of the site. It was originally proposed to provide a simple “Give Way” priority junction but in response to comments made by Highways Development Management a revised proposal for the access has been submitted. This is for a signal controlled layout incorporating a right turn pocket within the highway and signal controlled crossing facilities.
- 3.4 An indicative site layout has been provided which shows the access cutting about halfway across the southernmost field and then bending northwards to traverse public footpath HOL/31/30 and branching off into a series of estate roads.
- 3.5 The housing is shown within the northern part of the site with the southern portion left undeveloped to create a mix of open space/amenity areas/community allotments. Existing groups of protected trees and individual protected trees are incorporated into the layout of the development.

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 2013/93373 Outline application for residential development – Conditional outline permission (all matters reserved).
- 4.2 The site of the above application forms part of the current application site. The application indicated that there would be up to 51 dwellings served by a new access off Woodhead Road.

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 The proposal was subject to a formal pre-application enquiry. As part of this process, officers indicated that there was a preference for the development to be accessed via the same point of access as the approved outline consent which had been designed to accommodate traffic to the entire POL allocation. Alternatively, and subject to consideration of certain factors, it was considered that the principle of any new access was reliant on the provision of a dedicated right turn lane and two central islands along with the retention of the existing cycle lane.
- 5.2 The submitted scheme proposes a new site access. The site access arrangements as originally submitted did not include a right turn lane but these have been amended during the course of the application to include a right turn lane and two central islands, one of which incorporates signal controlled crossing facilities.
- 5.3 Community consultation was undertaken by the applicant prior to the application being submitted. A leaflet summarising the main aspects of the proposals was sent to ward members, the Parish Council, Brockholes Village Trust and households and businesses within the vicinity of the site as well as copies left within Brockholes Post Office and Honley Library. A public

exhibition was also held within the local area with 58 attendees. A total of 7 written comments were received by the applicant in response to the community consultation.

- 5.4 Ward members were also notified of the proposals by officers. A site meeting was held between officers, the applicant, a representative of the land owner, a representative of a local residents group and Cllr Charles Greaves in August this year. The principal matter discussed was the highway impacts.
- 5.5 Ward councillor Charles Greaves has submitted a written objection to the application. This is set out in full below:

*“Whilst I welcome the applicant’s willingness to talk to the community and to look at amending their proposal, I believe that this site should not be developed. I urge the committee to reject this application as being an unsuitable and unsustainable site.*

*Would you ensure that the petition submitted some years back that relates to any development at Smithy Place is raised with the committee.*

#### **Site Visit**

*I request that the committee have a site visit and that they travel from the access on Woodhead Road down to Smithy Place to Brockholes. In travelling along this route I would highlight that this is the direct route to Brockholes and where the site footpath link runs to - and the lack of pavements, the very high volumes of traffic, the poor lines of sight and that it is a narrow winding road.*

#### **Access and Connectivity**

*The site lies outside of Brockholes and bears no real relationship to it, nor is it clear how the site can be fully integrated into the village. Development of this site will bring about a substantial addition to Brockholes and in demand on its services, but this proposal will be isolated from Brockholes. The applicant needs to demonstrate how this application physically relates to Brockholes.*

*The proposal shows the access to the site as very close to the woods and the sight lines towards Holmfirth are dangerous due to the bend and the woods. Vehicles travel well in excess of the speed limit and whilst we have suggested highways works to reduce the risk of an accident, I believe that the access is too close to the woods to be safe.*

*The proposal shows the site linking it to Brockholes. via Smithy Place Lane. This lane only has a short section of footpath, is narrow, steep and has blind turns and is subject to numerous collisions and near misses. There ought to be analysis work undertaken in respect of Smithy Place to establish its capability to take the additional foot and vehicle traffic. A vehicle and foot access, direct from the site on to New Mill Road, would greatly improve the access and really link the site into Brockholes.*



*The applicant needs to address how the rights of the public and home owners of Robinson Lane will be maintained along the lane, whilst preventing users of the site from being able to use the lane.*

### **Setting and character**

*The application site offers an open, rural aspect that provides a visual break between the built up urban settlements of Honley and Brockholes. The site is publicly accessible from both settlements, and the Holme Valley Riverside way footpath runs through the centre of it, whilst the Holme Valley Green Corridor runs along the river at the farther end of the site.*

*This area is rural in nature and has never contained physical development. Its development would create an intrusive suburban landscape as the majority of development between Honley and Brockholes is ribbon development bordering the main road.*

*The intrinsic value of this site towards the well-being of the local and wider community has not been properly considered, and the proposed development would introduce an intrusive and visually negative feature within this tranquil setting, and the impact would not be offset by the partial retention of existing natural features.*

### **Local Green Space**

*This site plays a vital role in maintaining the spatial and social distinction between Honley and Brockholes, which helps to preserve the unique character of each village and enables residents to identify with, and feel part of a well-defined community.*

*Development of this site would result in the loss of the last remaining strategic gap between Honley and Brockholes. As well as being viable grade 3 agricultural grazing land, the site provides a local centre for all forms of wildlife, not just to cattle but to river life, [a protected species], bats, birds, wild flowers, bees, butterflies and other insects. It also plays an important role in enabling movement and onward colonisation between wildlife areas.*

*The on-site Public Open Space is substantial, but provides no clear purpose nor is it clear how it will be used to maintain the openness of the site or to enhance public access.*

*Development of this site would cause more harm than good, and housing needs can be better met on alternative sites that can be properly integrated with existing settlements.*

*The whole POL site should be protected from development, and its role and contribution to the lives of all residents properly acknowledged and safeguarded. I propose that the Smithy Place POL site be designated as a NPPF paragraph 76 Local Green Space*

*I ask the committee to reject this application, and to support the inclusion of this site as Local Green Space.”*

## **6.0 PLANNING POLICY:**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007).
- 6.2 The Council's Local Plan has been published for consultation on 7th November 2016 under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council considers that, as at the date of publication, its Local Plan has limited weight in planning decisions. However, as the Local Plan progresses, it may be given increased weight in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (adopted 1999) remains the statutory Development Plan for Kirklees.

### **6.3 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:**

The site is allocated as Provisional Open Land (POL). The site comprises the vast majority of the POL allocation with an area to the north excluded. Part of the western boundary adjoins a green corridor.

Relevant policies are:

BE1 – Design principles  
BE2 – Quality of design  
BE12 – Space about buildings  
BE23 – Crime prevention  
D5 – Provisional open land  
D6 – Land adjoining green corridor  
EP4 – Noise sensitive development  
EP10 – Energy Efficiency  
EP11 – Ecological landscaping  
G6 – Land contamination  
H1 – Housing needs of the district  
H10 – Affordable Housing  
H12 – Arrangements for securing affordable housing  
H18 – Provision of open space  
NE9 – Retention of mature trees  
T10 – Highway safety  
T16 – Pedestrian routes  
T19 – Parking standards  
R13 – Rights of way

6.4 Supplementary Planning Guidance / Documents:

K.C. Supplementary Planning Document (SPD2) – ‘Affordable Housing’

6.5 National Planning Guidance:

National Planning Policy Framework: Paragraph 49 requires that housing applications be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. The NPPF also considers issues relating to design, highway safety, amenity considerations, flood risk, pollution and contamination.

**7.0 PUBLIC/LOCAL RESPONSE:**

7.1 The application was advertised by neighbour letter, newspaper advertisement and site notices. Representations: 24 received (N.B. multiple representations were received from a single objector and these have been counted as one).

7.2 Representations summarised as follows:

Highway matters:

- Highway safety concerns as a result of location of access & increased traffic
- Safety concerns for pedestrians accessing Brockholes village, especially along Smithy Place Lane
- Issues of speeding on Woodhead Road
- Insufficient consideration for cyclists
- Not an accessible/sustainable location
- Highway/footpath improvements needed if application approved

Amenity:

- Change the character of the area / merge Brockholes & Honley (loss of buffer)
- Visual impact of housing/design
- Cramped development
- Development out of keeping with local context
- Loss of green amenity space
- Overlooking/loss of privacy
- Concerns if POS area is built on
- Loss of trees

Ecology:

- Loss of wildlife habitats
- Impact on protected species
- A pond in the garden of an adjacent property may be a habitat for newts

Other matters:

- Impact on local infrastructure (schools, medical facilities etc)
- Increased flood risk/drainage concerns
- Not a need for housing
- Inadequate/unsuitable affordable housing offer
- No need for more affordable housing in Brockholes
- Query red line boundary
- Detrimental impact on tourism

Holme Valley Parish Council:- “Support the application, subject to Highways and a more suitable/sustainable mix of housing being provided (for sale, not social housing).”

Honley Civic Society: - Concerns with loss of open space between Brockholes and Honley which results in a merging of the villages. Proposed access is dangerous. Impact on traffic generation and highway safety. Not a sustainable location. Impact on local infrastructure including school places.

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

8.1.1 K.C. Highways: - Object

8.1.2 Environment Agency: - No objection subject to condition

### **8.2 Non-statutory:**

8.2.1 K.C. Environmental Services: - No objections subject to conditions

8.2.2 K.C. Flood Management & Drainage: – No objections subject to conditions

8.2.3 K.C. Conservation & Design: - No objection

8.2.4 K.C. Trees Section: - Further information required in order to fully consider impact of the indicative proposed layout on protected trees

8.2.5 K.C. Landscape Section: – Ample space is available for on-site POS provision. This development comes within the zone for existing equipped play facilities in Brockholes and for a development of this large scale, it is expected that an off-site lump sum for broadening these existing facilities would be provided [sum can be calculated once the on-site POS areas are designed]. That being said, the site offers opportunities for a variety of natural play provision.

Future consideration of reserved matters needs to take into account high quality landscape design.

8.2.6 K.C. Strategic Housing: – There is a need for affordable housing in this housing market area and affordable housing should be secured as part of the planning process.

8.2.7 K.C. School Organisation & Planning: – A financial contribution of £180,741.00 is required towards school funding

8.2.8 K.C. PROW team: - No objections

8.2.9 Yorkshire Water: - No comments received

8.2.10 WY Police Architectural Liaison Officer: – Advice provided on crime prevention measures

## 9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Landscape issues
- Housing issues
- Highway issues
- Drainage issues
- Planning obligations
- Representations
- Other matters

## 10.0 APPRAISAL

10.1 Principle of development

10.2 The application site is allocated as Provisional Open Land (POL) which is subject to Policy D5 of the Unitary Development Plan (UDP).

10.3 Policy D5 states that “ *planning permission will not be granted other than for development required in connection with established uses, changes of use to alternative open land uses or temporary uses which would not prejudice the contribution of the site to the character of its surroundings and the possibility of development in the longer term.*”

10.4 The weight that can be attributed to policy D5 in determining applications needs to be assessed in the context of the National Planning Policy Framework (NPPF) paragraphs 215 and 49.

10.5 In the context of paragraph 215 the wording of policy D5 is consistent with NPPF paragraph 85 concerning safeguarded land. However, with regard to paragraph 49 the Council is currently unable to demonstrate a 5 year supply of deliverable housing sites. The weight that can be given to policy D5 in these circumstances was assessed in October 2010 by a planning inspector in his consideration of an appeal against the refusal of permission for housing on a POL site at Ashbourne Drive, Cleckheaton (Ref: APP/Z4718/A/13/2201353).

- 10.6 The Inspector concluded that *“The lack of a 5 year land supply, on its own, weighs in favour of the development. In combination with other paragraphs in the Framework concerning housing delivery the weight is increased. The lack of a five year supply also means that policies in the UDP concerning housing land are out of date. Policy D5 clearly relates to housing and so it too is out of date and its weight is reduced accordingly. This significantly reduces the weight that can be given to the policy requirement that there be a review of the plan before the land can be released. In these cases the Frameworks presumption in favour of sustainable development is engaged.”*
- 10.7 The presumption referred to by the Inspector is set out in NPPF paragraph 14 which states that where relevant policies are out of date, planning permission should be granted *“unless any adverse impacts of granting the permission would significantly and demonstrably outweigh the benefits when assessed against this framework as a whole, or that specific NPPF policies indicate development should be restricted”*.
- 10.8 (Footnote 9: lists examples of restrictive policies but this does not include policies concerning safeguard land.)
- 10.9 Paragraph 14 of the NPPF indicates a presumption in favour of sustainable development, and paragraph 49 of the NPPF indicates that housing applications should be considered in the context of the presumption in favour of sustainable development, if the Council is unable to identify a 5 year supply of deliverable housing sites.
- 10.10 The Council is currently unable to identify a 5 year supply of deliverable housing sites.
- 10.11 Assessing the policies in the NPPF as a whole in accordance with the paragraph 14 test, the benefit of providing housing on this green field site is considered to outweigh the environmental harm arising from this development. Furthermore, there is an extant outline consent for residential development on a proportion of the site which has already established the principle of development on the POL allocation. The allocation is proposed as a housing site in the Draft Local Plan.
- 10.12 The development proposed will represent a significant housing offer for the local area and it is also eligible for the consideration and provision of affordable housing.
- 10.13 The Strategic Housing Market Assessment (‘SHMA’, October 2015) provides an analysis of the objective need for housing in Kirklees as required by the Government. The SHMA concludes that 1049 new affordable homes per year are required to 2031 and it has provided an assessment of the need for general needs and specialist housing. This site has relevance to the Kirklees Rural-West housing market area.

- 10.14 The local need is for affordable 1-2 bedroom housing, as well as a need for 1-2 bedroom housing for older people specifically. Kirklees Rural- West has some of the highest priced housing in Kirklees with properties costing around £105,000 to £195,000. It is a popular location, with 15% of households planning to move home within Kirklees in the next 5 years, having it as their first choice destination.
- 10.15 Kirklees Rural-West has a large number of detached properties, compared to other areas in Kirklees and a high level of home ownership, with 75% of houses being owner-occupied. Around 15% of homes are private rented and around 10% are affordable (social) homes. Affordable bungalow and 1 bed/bedsit homes are limited in availability in the area. Kirklees Rural- West has some of the highest rents in Kirklees, starting from around £425+ per month.
- 10.16 The indicative schedule of housing includes a mixture of 3, 4 and 5 bedroom properties and a single 2 bedroom dwelling which would provide a reasonable mix of housing for the commercial market. The affordable housing offer comprises 20% of the total number of units and comprises mainly 3 bedroom properties with a small number of 2 bedroom dwellings. The affordable housing would contribute to the available offer within the Kirklees Rural-West housing market area although the type of housing as indicated would not contribute significantly towards the size of property that has been identified as being of greatest need.
- 10.17 In conclusion the principle of development on the POL is considered to be acceptable. This is however subject to the other matters as detailed in this report and particularly
- 10.18 Urban Design issues
- 10.19 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 development should also respect the scale, height and design of adjoining buildings and be in keeping with the predominant character of the area. Chapter 7 of the NPPF emphasises the importance of good design.
- 10.20 The scale, layout, appearance and landscaping of the site are all reserved matters. An indicative layout has been submitted which shows a mixture of detached, semi-detached and terraced dwellings set around a series of estate roads.
- 10.21 On issues of urban design officers are satisfied that an acceptable scheme could be brought forward that complies with relevant local and national planning policies. As part of this it would be necessary to consider mitigating the visual impact of continuous areas of parking to the front of some of the houses and the physical separation between dwellings to ensure that the built form provides a sense of openness. The inclusion of mature trees and

pockets of landscaping are a benefit to the general design of the development.

10.22 The proposal essentially forms an extension of the village of Brockholes, albeit partially separated by a river, and in broad terms officers are satisfied that a development could be provided that would sit comfortably within the local landscape. The concerns that have been raised around the loss of this open space and a reduction in physical separation between the built-up areas of Brockholes and Honley are acknowledged. However, there remains a substantial wedge of Green Belt land between the site and the Honley settlement boundary and it is considered that this prevents a sense of the two villages merging. The development would bring about a concentrated built form closer to the established ribbon development towards the west of the site but these existing properties would remain as more isolated dwellings within the Green Belt that are distinct from the built up part of Brockholes.

#### 10.23 Residential Amenity

10.24 There a number of residential properties adjoining the site. These are to the northwest and towards the south and southeast along Haggroyd Lane and Smithy Place. There are also a couple of properties towards the west of the site but these are on the opposite side of Woodhead Road and set up and back from the highway. The properties to the east on New Mill Road are set down from the site but are well separated by trees and have the River Holme lying in between.

10.25 The group of three dwellings that abut part of the northwest boundary of the site are predominantly screened by protected trees and the indicative layout demonstrates that acceptable separation distances can be provided to these existing properties.

10.26 Officers are broadly satisfied that acceptable separation distances can be achieved to all of the adjacent properties on Smithy Place subject to detailed consideration of scale and layout. It is noted that one of the dwellings on the indicative layout is very close to the rear garden boundary of 22/22a Smithy Place which is a potential concern.

10.27 The properties on Haggroyd Lane back onto an undeveloped part of the site (POS) and are screened by protected trees. These properties are therefore unlikely to be significantly affected.

10.28 Based on the indicative layout habitable windows within the development are reasonably well spaced and officers are satisfied that acceptable internal separation distances can be achieved.

10.29 Subject to detailed consideration of the reserved matters officers consider that a development could be provided so as to secure an acceptable degree of privacy and open space for existing and future occupiers. In principle the development satisfies Policy BE12.



10.30 A noise report has been submitted with the application and reviewed by Environmental Services. Officers agree with the report's conclusions that an acoustic barrier to protect the residents nearest Woodhead Road from road traffic noise is necessary (details would be necessary by condition). A sound insulation scheme (glazing/ventilation) designed to protect the amenity of the occupiers of the new dwellings which are closest to Hope Bank Works would also be required (details by condition).

10.31 Landscape issues

10.32 The indicative site layout allows for the retention of the protected trees within the site as well as areas of trees towards the site boundaries that are not covered by TPO.

10.33 In terms of the protected trees, those surrounding much of the proposed POS, the tree belt that runs roughly through the middle of the site, the group of trees to the northeast and northwest corners of the site and individual trees within the fields are all shown as being retained. Further information showing in greater detail what impact the layout of the buildings would have on these trees is however required.

10.34 The protected trees are supplemented by the retention of other existing mature trees to the boundary with Woodhead Road and the River Holme which help to provide green buffers.

10.35 The indicative layout shows pockets of soft landscaping within the developed parts of the site, in some cases set around a protected tree. Such landscaping would help to enhance the overall appearance of the scheme.

10.36 On-site POS is provided for within the southernmost portion of site where a large area of land would be dedicated for a mixture of open space/amenity areas and community allotments. This is considered to be a positive feature of the development.

10.37 Housing issues

10.38 Housing issues are addressed at point 10.1 of this assessment.

10.39 Highway issues

10.40 Part of the application site is already subject to an outline planning consent for circa 51 residential dwellings (application 2013/93373). This outline planning consent includes for a dedicated vehicular access taken directly from A6024 Woodhead Road located approximately 100m to the north of the junction of Woodhead Road/Smithy Place Lane. This junction has specifically been designed so that it is suitable to accommodate traffic to the whole of the POL allocation and not just the approved development site. This was so that the approved scheme allowed for comprehensive development of the remainder of the POL.

- 10.41 The current application is accompanied by a Transport Assessment that is based on a greater quantum of development than is proposed (transport assessment allows for circa 150 dwellings).
- 10.42 An extensive pre-application discussion and meeting took place between the applicant and Highways Development Management. Within that discussion it was made clear to the applicant that the Highway Authority would not support a lower grade of access junction and that a grade of access similar to that of the neighbouring approved scheme would be required. Notwithstanding officers' advice, the application was submitted with a simple priority junction taken directly off Woodhead Road. This is about 40m to the south of the junction of Woodhead Road and Smithy Place Lane.
- 10.43 The submitted Transport Assessment states that due to the width of the A6024 Woodhead Road in this location, a junction design including central islands and a dedicated right turn lane could not be achieved as per the outline consented site. However the applicant considers that visibility at the proposed access is acceptable given traffic speeds on Woodhead Road and due to the presence of solid white line markings on the highway which mean that there should not be overtaking from vehicular traffic on the southbound carriageway along Woodhead Road.
- 10.44 Highways Development Management raised a significant concern with regards to the proposed vehicular visibility splays and as such the proposed junction arrangement was considered to be unacceptable because it would have a detrimental impact upon highway safety for all users. There were also significant concerns with the principle of the proposed access strategy. Vehicles waiting to turn right into the proposed development are likely to inhibit the free flowing movement of traffic for vehicles travelling southbound along Woodhead Road, to the detriment of highway safety.
- 10.45 Furthermore the proposed simple priority junction arrangement made no provision for pedestrian crossing movement towards the opposing carriageway to the existing footway running adjacent to Woodhead Road, in the form of central reserve islands. This would create a significant safety risk to pedestrian activity in this location and a barrier to accessibility.
- 10.46 In addition, the proposed simple priority junction arrangement would interfere with and results in the removal of a large length of the existing cycle way along Woodhead Road on the development side of the carriageway.
- 10.47 A further concern was that the proposed access could potentially result in two separate points of access of differing types in close proximity to one another because of the access arrangements associated with the extant outline consent on part of the application site. Although the submitted Transport Assessment states that if this proposal were to be given approval then it would supersede the outline consent, in planning terms however it is possible that separate schemes could come forward subject to their relevant approvals, particularly as the consented site is within different ownership and there is nothing to suggest that an agreement is in place that would enable the outline consent to be superseded subject to approval of this application. It

would be unsatisfactory from a highway safety point of view to have two adjacent vehicular accesses of different grades in such close proximity and serving similar, not unsubstantial, residential developments. Driver perceptibility of the highway layout would be degraded and would have a detrimental impact upon highway safety.

- 10.48 In summary a simple priority junction in this location is considered unsuitable for the grade of highway and nature of development associated with its introduction. It would cause a detrimental impact upon the safety and efficiency of the local highway network for all users.
- 10.49 In response to these concerns the applicant submitted a Transport Assessment Technical Note (WSP 3rd October 2016) to address the above issues.
- 10.50 The submitted Technical Note (as with the original Transport Assessment) continues to rely on the modelling of the proposed simple priority junction and the safety record of Woodhead Road in order to demonstrate the acceptability of a simple priority junction serving the local highway network in this location. In addition, it also relies upon associated factors such as carriageway width restraints and the presence of solid white lines in order to determine a departure from standards with regards to visibility requirements for vehicular visibility splays at the site access.
- 10.51 The submitted technical note provides an alternative access arrangement resulting in a signal controlled layout incorporating a right turn pocket and signal controlled pedestrian crossing facilities.
- 10.52 A LINSIG (LINcolnshire SIGnals) model has been undertaken in order to demonstrate the operational performance of the proposed junction and the electronic model files have been provided for validation and are generally accepted.
- 10.53 Highways Development Management accepts that the proposed signal priority junction would operate well within theoretical capacity limits. However, there are significant concerns with regards to the principle of a signalised junction serving the proposed development and in this location.
- 10.54 The minor arm flows from the proposed development are considered too low for a signalised junction to be a suitable arrangement and this would set an unacceptable precedent in terms of providing an over-engineered solution because problems exist with providing a suitable junction layout for the nature of the highway in question and the volume of additional traffic associated with the proposed development.
- 10.55 Furthermore there are a number of concerns raised with regards to the proposed signalised layout and its impact. The submitted technical note does not provide a plan demonstrating the northbound visibility to the back of the maximum predicted queue from the signals. There is a clear danger in this location that vehicles travelling northbound could collide with standing traffic.

- 10.56 Despite the 40mph speed limit, it is considered that vehicle speeds are likely to be higher in this location and a fully appraised scheme would include a speed survey in order to determine the forward visibility to the signals.
- 10.57 It is considered that a signalised junction would be largely unexpected in terms of driver perceptibility in this location on a rural road of this nature and that warning signs would not be sufficient to highlight its presence. There are also additional concerns with regards to the level of tree foliage in the vicinity which could also block visibility of the signals during the summer months.
- 10.58 Concerns also remain in terms of the addition of the proposed signalised junction in such close proximity to the point of access for approved outline consent 2013/93373. The potential exists for two residential schemes to come forward on the POL allocation with separate points of access off Woodhead Road.
- 10.59 Highways Development Management also maintains an objection with regards to visibility standards.
- 10.60 The applicant has also studied the impacts of signalising the existing zebra pedestrian crossing situated on New Mill Road adjacent to the junction with Brockholes Lane. The conclusions of the technical note with regards to the impacts of signalising the crossing would result in a number of detrimental issues to the surrounding infrastructure including the loss of effective footway width due to the required street furniture; carriageway reduction would result in a higher risk of vehicle collisions and conflict reducing safety and efficiency. Highways Development Management agrees with the findings that the best solution would be to improve to the existing crossing arrangement by relaying the existing carriageway markings and relaying the carriageway surface with high friction surfacing materials.
- 10.61 In conclusion it is considered that both of the access arrangements that have been proposed are unacceptable. The revised proposals represent an over-engineered solution that would introduce an arrangement that would harm highway efficiency and safety in this location. The application is therefore contrary to Policies T10 and BE1 of the Unitary Development Plan.
- 10.62 Drainage issues
- 10.63 Subject to detailed design Officers are satisfied that the site can be adequately drained. Kirklees Flood Management and Drainage have not raised any objections to the application subject to conditions requiring approval of a detailed surface water drainage strategy. The drainage scheme will need to restrict the rate of surface water discharge from the site to a 5 litres per second per hectare. This restricted rate of run-off is also in line with comments made by the Environment Agency, who have no objections to the principle of development.

- 10.64 The Flood Risk Assessment (FRA) submitted with the application states that once detailed level design is carried out it could be the case that a surface water pumping station may be required for part of the site. Officers would object to any proposal for a pumped surface water system as this will introduce a risk to the development. This will need to be taken into account in the design process.
- 10.65 The FRA also states that further investigation into the mill race is required. The findings of these investigations should be used to inform the site layout and should therefore be carried out prior to submission of 'layout' at reserved matters stage. The findings may impact on the number of dwellings that can be accommodated because of the need to provide acceptable flood routing. Furthermore, an assessment of potential overland flow routes must also be carried out and used to inform the layout (a condition regarding this could be imposed).
- 10.66 Yorkshire Water was consulted on the application but a formal consultation response was not received. In line with Yorkshire Water's standing advice in such circumstances it is assumed that Yorkshire Water has no comments to make on the planning consultation.
- 10.67 Representations
- 10.68 The main issues raised within the representations have been addressed within this report. The representations do not raise any other matters that materially alter the assessment and recommendation. A neighbour has suggested that the site encroaches onto land which they own and clarification has been sought from the agent on this particular matter. An update will be provided as necessary.
- 10.69 Planning obligations and community benefits:
- 10.70 The application is accompanied by draft heads of terms for a S106 obligation. This covers the following matters:
- 10.71 Affordable Housing:
- 10.72 The applicant has offered to provide 20% of the total number of dwellings as affordable units.
- 10.73 It is considered that the affordable offer is acceptable, particularly in light of the emerging interim affordable housing policy which is based on the draft emerging Local Plan. The policy is underpinned up-to-date evidence of the viability of schemes within the District can likely afford were it is proposed to seek at least 20% of total dwellings on sites for affordable housing with a split of 55-45% social rented to sub market tenure.

10.74 Education:

The number of dwellings proposed is above the threshold for an education contribution. KC School Organisation & Planning advise that a contribution of £180,741 is required towards school funding in the area.

10.75 Public Open Space:

10.76 The site is over 0.4 ha and therefore triggers the requirement for the provision of public open space.

10.77 Ample space is available for on-site POS provision. This development also comes within the zone for existing equipped play facilities in Brockholes and for a development of this large scale, it is expected that an off-site lump sum for broadening these existing facilities would be provided [sum calculated once the on-site POS areas are designed]. That being said, the site offers opportunities for a variety of natural play provision.

10.78 Off-site highway works:

10.79 The applicant has offered to provide a financial contribution to speed warning signage on the A6024 Woodhead Road in the vicinity of the site and improvements to an existing zebra crossing on New Mill Road in Brockholes (relaying the existing carriageway markings and relaying the carriageway surface with high friction surfacing materials). One of the plans also refers to the provision of a bus shelter to Woodhead Road.

10.80 Connectivity:

10.81 Existing public footpath routes within/across the site are to be retained and improved. Improvements are also proposed to public footpaths within the immediate vicinity of the application site.

10.82 A plan submitted with the application makes reference to a pedestrian link being created to a community building within the adjacent Hope Bank Works site. The same plan also suggests a potential river side walk could be created along the eastern site boundary. No detailed proposals have been put forward for these works.

10.83 Other Matters

10.84 Ecology:

10.85 To the east of the site is the River Holme which forms a green corridor as allocated in the UDP. This stretch of river adjoins a Site of Scientific Interest just to the south of the site.

10.86 The application is accompanied by an ecology report. This concludes that the site consists of four semi-improved pasture fields that provide limited ecological value. The trees within and bordering the site provide some bat

roosting and foraging habitat. Part of the site also provides a habitat for a protected species.

10.87 Officers are satisfied that a development could be brought forward that would avoid unacceptable impacts on biodiversity. As part of this it would be necessary for the preliminary ecological appraisal to influence the final layout of the site and for a Construction Environment Management Plan and a Landscape and Ecological Management Plan to be provided. A licence from Natural England would be required to deal with the issue of a specific protected species.

10.88 Contamination:

10.89 Intrusive investigations are required to fully establish contamination issues with the land. This could be dealt with by conditions.

10.90 Air quality:

10.91 NPPF Paragraph 109 states that “the planning system should contribute to and enhance the natural and local environment by..... preventing both new and existing development from contributing to or being put at unacceptable risk from, amongst other things, air pollution. On small to medium sized new developments this can be achieved by promoting green sustainable transport through the installation of vehicle charging points. This can be secured by planning condition.

## **11.0 CONCLUSION**

11.1 The proposed access arrangements for the development site, which is for a signalled controlled layout, would result in an over-engineered solution which in this location would harm highway safety and efficiency. The harm to highway safety is not outweighed by any other material considerations, including the boost to the supply of housing as well as the affordable housing offer and the cumulative benefits that could be provided through the S106 package.

11.2 Matters of scale, layout, appearance and landscaping are reserved but officers are satisfied that on these issues an acceptable scheme could be brought forward that complies with relevant local and national planning policies.

11.3 In the absence of a signed Section 106 covering matters of education, affordable housing, greenspace and travel planning the application is recommended for refusal on these elements.

## **12.0 Reason for refusal:**

1. The proposed access arrangements for the development site, which is for a signalled controlled layout, would harm highway safety and efficiency and as such the development is contrary to Policies T10 and BE1 of the Kirklees Unitary Development Plan. The harm to highway safety is not outweighed by any other material considerations.
2. In the absence of a completed Section 106 agreement the development fails to provide for Educational requirements, affordable housing provision, public open space and travel planning requirements.

### **Background Papers:**

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f92181>

Certificate of Ownership – Notice served on Mr F Eaton, 3 St Mary's Road, Honley.





Originator: Glenn Wakefield

Tel: 01484 221000

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## Report of the Head of Development Management

### STRATEGIC PLANNING COMMITTEE

Date: 01-Dec-2016

**Subject: Planning Application 2016/92321 Deposit of inert waste on agricultural land to improve surface water drainage Lands Farm, Cliffe Lane, Gomersal, Cleckheaton, BD19 4EU**

### APPLICANT

Mr & Mrs Bean

### DATE VALID

17-Aug-2016

### TARGET DATE

16-Nov-2016

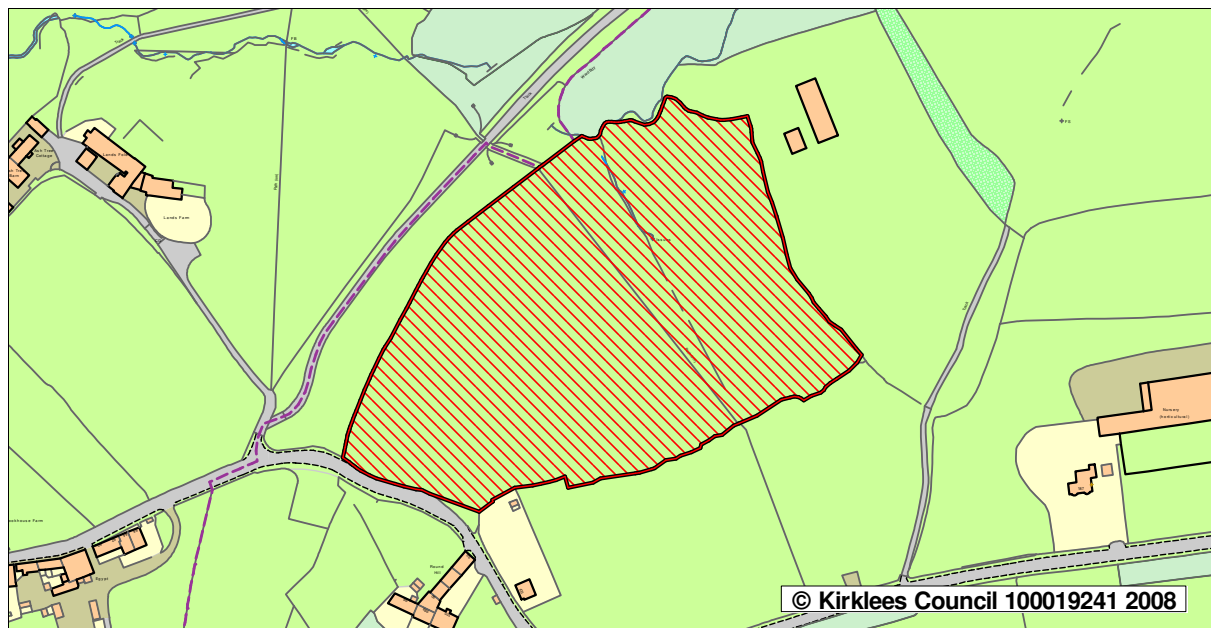
### EXTENSION EXPIRY DATE

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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

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**Electoral Wards Affected:**

**Liversedge and Gomersal  
Cleckheaton**

Yes

Ward Members consulted  
(referred to in report x)

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**RECOMMENDATION:**

**DELEGATE approval to the Head of Development Management in order to complete the list of conditions contained within this report (and any added by the Committee) and to secure a S106 agreement to cover the following matters:**

- (i) Impose all necessary and appropriate conditions**
- (ii) Secure a section S106 agreement which requires:**
  - (a) The use of a specific route for Heavy Goods Vehicles travelling to and from the site**
  - (b) The preclusion of articulated vehicles travelling to and from the site**
  - (c) The restriction of HGV vehicle size to less than 8m in length**
- (iii) Secure a satisfactory scheme for the temporary diversion of public right of way SPE/46/20 during the landfilling operations; and**

**In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Development Management shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Development Management is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.**

**1.0 INTRODUCTION:**

- 1.1 This application is brought to the Strategic Planning Committee as the proposal involves development which is non-residential and a site that exceeds 0.5ha in area.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site is currently agricultural pasture land, off Cliffe Lane Gomersal and comprises two fields occupying an area of approximately 3.1ha. The site extends north eastwards from the proposed access point on Cliffe Lane and is bounded to the north by a dismantled railway line. The topography of the site sees the land generally fall to the north and towards the west with level changes of approximately 15 metres across the site. Public Right of Way (PROW) SPE/46/20, which links Cliffe Lane with PROW

SPE/47/10, crosses the site. The area surrounding the site is agricultural in character with a small number of residential properties located to the south at Round Hill. Larger concentrations of residential properties are located approximately 500m to the west on the periphery of Cleckheaton and a similar distance to the east at Gomersal.

### **3.0 PROPOSAL:**

- 3.1 The applicant wishes to import approximately 56,000m<sup>3</sup> (approx. 85,000 tonnes) of inert waste in order to remodel the existing landform. This would see an average change in levels of approximately 1.5m across the site with a maximum increase of 3m on certain areas where current level changes are particularly pronounced. The site would be worked progressively from east to west and the final landform would follow that as existing albeit the surface of the site would be remodelled to form a more even slope. The applicant has indicated that this work is required in order to improve land drainage at the site and therefore maximise the efficiency of the land. It is proposed to use an existing field access which adjoins Cliffe Lane following the necessary improvements to accommodate HGV traffic. The project design would include the installation of a new herring bone drainage system to allow the land to drain more freely towards an existing watercourse to the north of the site. Existing topsoil would be stripped from the surface, stored on site and re-spread once tipping and landform operations cease. It is estimated that an approximate rate of 50 x 16 tonne loads per week the proposal would take less than 3 years to complete however as the actual rate of activity is unknown it is conditioned that no more than 3 years would be required to complete the tonnage quota and begin the land restoration.
- 3.2 Access to the site would be directly from Cliffe Lane via Balme Road which adjoins the A638 Bradford Road at Cleckheaton.

### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 Historically the site formed part of Lands Farm which is located to the north west of the site and has been used as pasture for cattle, sheep and horses. No planning applications have been previously submitted to develop the site. However, it is considered that members should be made aware of a recent planning permission (2015/94048) at Cliff Hill Nurseries which is to the east of the site. This permission allowed the extension of the nursery and the associated HGV traffic to access that site via Woodlands Road. Hence it is the view of Officers that, should this application be approved, access should be from the west via Balme Road which would act to separate HGV traffic visiting both sites.

### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Negotiations have taken place between the Council and the applicant to secure changes to the proposed access route to and from the site. Originally the applicant indicated a wish to access the site from the east via Spen Lane and Woodlands Road. However, following concerns raised by the Council's

Highways Officers regarding the impact this would have on what is chiefly a residential area, the applicant has agreed to access the site from the west via Balme Road subject to entering into a section 106 agreement, the details of which are provided later in this report.

## **6.0 PLANNING POLICY:**

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved Policies 2007).

6.2 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

6.3 The Council's Local Plan was published for consultation on 7th November 2016 under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council considers that, as at the date of publication, its Local Plan has limited weight in planning decisions. However, as the Local Plan progresses, it may be given increased weight in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (adopted 1999) remains the statutory Development Plan for Kirklees.

6.4 National Planning Guidance:

NPPF Section 1. Building a strong, competitive economy  
NPPF Section 9. Protecting Green Belt land  
NPPF Section 11. Conserving and enhancing the natural environment  
Planning Practice Guidance – Waste  
National Planning Policy for Waste

## **7.0 PUBLIC/LOCAL RESPONSE:**

7.1 This application was publicised by the posting of 5 site notices in the vicinity of the site, the mailing of 10 neighbourhood notification letters and an advertisement in the local press. This resulted in the submission of 2 letters of representation being received. The issues raised can be summarised as follows:

- The development would have a detrimental impact on the Green Belt
- The proposal would adversely affect the character of the local landscape

- The local highway network is unsuitable for the type of vehicle required to complete the development. This would lead to highway safety being detrimentally affected
- The site access plans do not accurately show the alignment of Cliffe lane

All ward members from the Liversedge/Gomersal and Cleckheaton wards were notified of the proposed development on 26 August 2016 by e-mail correspondence. No comments have been received following this notification.

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

K.C. Highways – No objection subject to:

The applicant entering into a section 106 agreement which specifies the access route to and from the site via the A638 and Balm Road and restricts the type of vehicles making deliveries to the site.

Planning conditions that require:

- Prior to development commencing, the submission and approval of an amended site access, the design of which discourages a left turn out of the site.
- The restriction of vehicle movements to and from the site to a maximum of 24 per day.
- The provision of a conditions survey prior to the development commencing at the site.

Environment Agency – No objection

### **8.2 Non Statutory**

K.C. Environmental Health – No objections subject to Planning Conditions which require:

- The restriction of hours of operation
- A limit on vehicle movements to and from the site
- The implementation of dust suppression measures

K.C. Environment Unit – No objection subject to the inclusion of a planning condition which requires the submission of an Ecological Restoration Scheme

K.C. Strategic Drainage – No objection subject to a planning condition requiring the submission of a scheme detailing how existing springs and water courses on site will be managed during the development.

K.C. PROW – does not oppose in principle the infill, the temporary closure of public footpath with provision of an alternative, but currently raises an objection on the basis that the application does not provide adequate information relating to the following:

- The exact route the diversion would take
- The construction details of the diversionary route
- That an alternative route would be available throughout the period of the filling operations
- The period the diversion would be necessary
- The proposed mechanism to close the definitive route and to subsequently reinstate the original route at different levels.

K.C. Arbicultural Officer – No objections subject to the provision of a stand-off of 5 meters from existing nearby woodland

Coal Authority – no objections, do not require consultation on this application.

## **9.0 MAIN ISSUES**

- Principle of development
- Residential amenity
- Environmental issues
- Highway issues
- Representations
- Other matters

## **10.0 APPRAISAL**

### Principle of development

- 10.1 Unitary Development Plan Policy (UDP) WD1 indicates that sites in Kirklees will be made available for the final disposal of waste materials.
- 10.2 The site falls within a wider area which is designated as Green Belt in the adopted Unitary Development Plan. Section 9 of the National Planning Policy Framework (NPPF) indicates that there is a presumption against inappropriate development in such areas unless there are very special circumstances to allow it. Consequently, in this instance, the key issues are whether the proposed development is inappropriate and if so whether there are very special circumstances which outweigh the presumption against inappropriate development.
- 10.3 The use of land for the importation of inert material would in itself be inappropriate development within the Green Belt.

- 10.4 Paragraph 79 of the NPPF states that 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.
- 10.5 The Local Planning Authority should give substantial weight to any resultant harm to the Green Belt from the development proposed. Inappropriate development is by definition harmful to the Green Belt and very special circumstances will not exist unless the potential harm, by reason of that inappropriateness and any other harm to the Green Belt is clearly outweighed by other considerations.
- 10.6 In order to form a judgement about the harm caused, it is best to consider firstly whether harm is caused to any of the purposes of including land in the Green Belt as set out in paragraph 80 of NPPF. These are:
- to check the unrestricted sprawl of large built-up areas;
  - to prevent neighbouring towns merging into one another;
  - to assist in safeguarding the countryside from encroachment;
  - to preserve the setting and special character of historic towns; and
  - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 10.7 It is considered that the development proposed would not be of harm to the purposes of including land within Green Belt.
- 10.8 In addition to the harm by definition due to inappropriateness, there would also inevitably be some harm to the openness of the Green Belt because of the nature and extent of development proposed. These aspects constitute the negative impacts of the development proposed in Green Belt terms.
- 10.9 Whilst acknowledging the potential harm to the Green Belt, paragraph 81 of the NPPF indicates that in identified Green Belts local planning authorities should also plan positively to enhance the beneficial use of the Green Belt, including:
- looking for opportunities to provide access;
  - to provide opportunities for outdoor sport and recreation;
  - to retain and enhance landscapes; or
  - to improve damaged and derelict land
- 10.10 It is considered that the development proposed would contribute positively to the use of the Green Belt in that it would allow the efficient use of agricultural land and help retain and enhance the existing landscape. Furthermore the restoration of the site would relate well to the wider surrounding landscape and would provide an opportunity to enhance local biodiversity through strategic planting and habitat creation.

- 10.11 It is accepted that this does not in itself overcome the harm to the Green Belt, but it is considered that this should be afforded some weight.
- 10.12 The remodelling and re profiling of the site using imported inert material would involve engineering operations which would ultimately see the site returned to an agricultural use. Para. 90 of the NPPF states that:
- “Certain other forms of development are also not inappropriate in Green Belt Provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.”
- 10.13 Such other forms of development include engineering operations. This proposal would lead to what is considered to be an acceptable final landform which would return the site to agricultural use and whilst the engineering works would inevitably have some impact upon the openness of the Green Belt, it is considered that this would be temporary and the openness of the Green Belt would be preserved and that the development would not conflict with the purposes of including land within it.
- 10.14 It is therefore considered that the engineering operations proposed would not be inappropriate within the Green Belt.
- 10.15 Appendix A of the National Planning Policy Framework contains a waste hierarchy and although this indicates that the most effective environmental solution to the generation of waste is waste prevention, it also indicates that the re-use and recycling of materials are the next best options. Waste Planning Authorities are therefore encouraged to take a positive approach towards dealing with waste in a way which moves its treatment up the hierarchy. In this instance the imported waste would be used specifically to re-engineer acceptable contours to facilitate an agricultural use rather than simply being disposed of. It is therefore considered that this proposal would see the re-use of a significant proportion of inert waste material which is consistent with current national planning guidance.
- 10.16 UDP Policy WD4 indicates that the disposal of waste on agricultural land will not be permitted if the scheme would divert waste from former mineral workings and derelict land and so prejudicing their early restoration. It is considered that in this instance, as the proposal involves a relatively small amount of waste material, its impact on minerals sites or derelict land under restoration in the district would be very limited. Consequently, subject to the development complying with policy UDP WD5, the development would accord with the aims of UDP policy WD4.
- 10.17 It is therefore considered that the principle of this development is acceptable providing it does not conflict with the criteria stipulated in Unitary Development Plan Policy WD5.



UDP policy WD5 states:

proposals for disposal of waste to landfill will be considered having regard to:

- i provision for the prevention of noise nuisance or injury to visual amenity;
- ii the mode of transport utilised to serve the site;
- iii provision for vehicle routing and access arrangements;
- iv conservation interests;
- v arrangements for phased restoration and aftercare schemes appropriate to agricultural, forestry or amenity after-use linked to a permitted period of operation;
- vi measures included in the scheme to eliminate environmental hazards from leachate and gas emissions;
- vii arrangements for the protection of natural resources such as ground water, rivers or other water bodies;
- viii the extent and duration of any past or current landfill activity in the area; and
- ix the need for landfill capacity for the relevant waste types at the location proposed.

#### Residential Amenity

10.18 At present the site comprises two field of open pasture divided by a broken hedge line. This provides a pleasant rural setting within the wider area. Consequently the proposed development would inevitably have a detrimental impact whilst the tipping and landforming operations take place. Pedestrians using the adjacent PROWs in the vicinity of the can currently gain views of the existing site and would therefore be affected to some extent by the proposed works. In fact PROW SPE46/20 would require diversion. However based upon the volume of material required and the number of loads delivered per day it is likely that the operation could be completed within 2 to 3 years. Bearing in mind that this would be a temporary operation and the site would be restored to an agricultural use which reflects the character of the surrounding landscape, it is considered that, whilst there would be some detrimental effect, the associated impact would be limited to during the construction phase and that the final restoration of the site would in fact result in a significant improvement in the visual amenity of the area. Officers therefore consider that this proposal accords with UDP policy WD5(i).

10.19 Waste would be transported to the site by heavy vehicles including open skip and tipper lorries. Noise will therefore be generated by the vehicles themselves and during the unloading and working of the waste. The nearest residential properties are located approximately 25 metres to the south at Round Hill and 100 metres to the South West at Egypt Farm and it is therefore possible that the above described activities could adversely affect the amenity of occupiers of those properties. However, it is considered that restricting the number of vehicle movements and hours of operation would be sufficient to mitigate any associated impact. Consequently this proposal would accord with UDP policy EP4, EP6 WD5(i) and Section 11 of the NPPF with regard to noise.

10.20 The potential emissions of dust to the atmosphere from tipping and landform operations such as those proposed at the application site would arise from three main sources:-

- Vehicle movements to and from the site.
- Operational processes including the tipping of waste and its subsequent working and placement and compaction.
- Exhaust's from operational plant/equipment.

10.21 The degree to which significant dust emissions are capable of causing nuisance from a particular site depends upon various factors, including:

- Time of year and climatic conditions, with dry conditions and high wind speeds being conducive to dust generation.
- Surface characteristics, with vegetation cover making material in bunds less susceptible to dispersion

10.22 It is considered that problems associated with dust can be adequately dealt with through the implementation of measures on site which could include:

- All lorries delivering waste to the site being sheeted
- Internal haul routes would be defined with a prepared surface and dampened as necessary
- Upswept exhausts used on site vehicles
- Dampening of surface of filling areas when necessary
- The suspension of operations in extreme windy conditions
- Speed restrictions on site

10.23 The applicant has provided a scheme to support this application which details how dust would be suppressed at the site. These measures have been reviewed and they are considered adequate to mitigate against any associated impact. It is therefore proposed to include a planning condition which requires the implementation of such measures during operations at the site. In such circumstances it is considered that this proposal would not conflict with UDP Policy WD5(i) or policy guidance contained in Section 11 of the NPPF.

#### Environmental issues

10.24 The applicant has provided an ecological impact assessment in support of this application, the conclusions of which can be summarised as follows:

- This site offers very little in the way of cover for wildlife in transit
- No evidence on site to indicate the site is regularly used by wildlife other than by rabbits
- The existing hedge crossing the site is relatively sparse and there is no evidence it is used by nesting birds or any other species of note
- There was no evidence on site that the two existing oak trees provide roosting opportunities for bats
- The proposed site restoration hedge planting will provide a more beneficial long – term feature

10.25 It is therefore considered that this proposal is unlikely to result in significant long term impact on local biodiversity and subject to the inclusion of enhancement measures to improve ecological benefit within the site and wider habitat network, this proposal would accord with UDP policy WD5 (iv) and section 11 of the NPPF

10.26 Although the proposed development would affect the landscape character and visual amenity of the area during the construction phase of the development, this must be considered within the context of existing landscape character. The landscape in this area has been influenced by historic development including Spen Mills to the south, a small waste transfer operation to the north east (now abandoned) and a commercial plant nursery to the east. Consequently, whilst the open character of the landscape provides a pleasant outlook, the value of this landscape cannot be described as being particularly high. This proposal would be a temporary operation which would take between 2 and 3 years to complete. Once restored, the land would be brought back into agricultural use and, although there would be some impact on the visual amenity of the area, this would be limited and for a temporary period only. The restored site and its use would be consistent with the wider area.

10.28 Notwithstanding the general openness of the landscape, due to the existing topography and natural screening, the site is not visible from many viewpoints within the wider landscape, although intermittent views when progressing along Cliffe Lane would be possible. Pedestrians using nearby PROWs would gain views of the site at certain points on the path. However, it is considered that whilst this proposal would result in a moderate adverse impact on the character of the local landscape, this would be temporary and the long term benefits of the restored site would enhance visual amenity in the area. It is therefore considered that this accords with UDP policy WD5(i) and Section 11 of the NPPF with regard to this issue.

#### Highway issues

10.29 Cliffe Lane provides a link between Gomersal and Cleckheaton but is relatively lightly trafficked. Having said this it runs through what is primarily a residential setting at Gomersal where it links with Fusden Lane and Woodlands Road both of which adjoin Spen Lane to the south. It is therefore considered that it would not be appropriate for HGVs to use this section of Cliffe Lane and the linking routes from Spen Lane to gain access to the site.

10.30 However, it is considered that the western approach to the site via Balme Road would have much less of an impact on residential amenity. Although the road allows two way traffic to pass, the carriageway does narrow in the vicinity of Egypt Farm. However, forward visibility is good and due to the nature of existing road conditions vehicle speeds are unlikely to be high. Consequently vehicles approaching in opposite directions can see each other and would have time to take appropriate action to allow each to safely pass.

10.31 It is proposed to restrict HGV movements to and from the site to a maximum 24 per day and it is considered that at such relatively low levels highway safety in the vicinity of the site would not be significantly affected.

10.32 This type of development can have a detrimental impact on the surface of the highway in adverse weather conditions due to mud being tracked onto the highway from the site. It is therefore proposed to include a requirement to provide wheel washing facilities on site to minimise any impact associated with generation of mud from site operations.

10.33 PROW SPE/46/20 crosses the site and action would therefore be required to allow continued public access during the proposed works. The applicant therefore proposes to divert the PROW around the eastern boundary of the site for the duration of the works and then reinstate the PROW along its original route following site restoration. This would therefore require the applicant to make a separate formal application for an order under separate legislation for temporary closure of the definitive footpath, during which an appropriate alternative temporary pedestrian route would be provided. Subject to the provision of an adequate alternative, it is considered that pedestrians would not be significantly inconvenienced by this proposal and the PROW's subsequent reinstatement to the original route, with the proposed minor level changes, would ensure satisfactory future access is maintained. It is therefore

proposed to include a planning condition which requires the satisfactory provision and implementation of a scheme for the continuing public access, to come into effect prior to development commencing on site.

It is therefore considered that this proposal accords with UDP policy T10 and R13.

#### Drainage issues

- 10.34 The applicant has indicated that the main reason this development is required is to address the site's current poor drainage which hampers the efficient use of the land.
- 10.35 The site naturally drains towards the north to an existing water course and contains a spring on the eastern part of the site which has been channelled to the current hedge line before this also drains to the same water course. Consequently it is important to ensure that the proposed development does not contaminate these existing surface water regimes.
- 10.36 It is therefore proposed to include planning conditions which would require a drainage management scheme to be submitted providing details of how the existing surface water regimes would be protected and managed during the development of the site.
- 10.37 The applicant has indicated that as part of this development a herringbone land drainage system will be incorporated to allow the site to drain more freely. It is therefore considered that the development would comply with UDP Policy WD5 (vii) and Section 11 of the NPPF with regard to drainage issues.

#### Representations

- 10.38 As previously indicated 1 letter of objection has been received in relation to this proposal. The concerns raised and associated responses can be summarised as follows:
- The development would have a detrimental impact on the green Belt  
**Response:** This matter has been considered in the Principle of Development section of this report.
  - The proposal would adversely affect the character of the local landscape  
**Response:** This matter has been considered in the Environmental Issues section of this report.
  - The local highway network is unsuitable for the type of vehicle required to complete the development. This would lead to highway safety being detrimentally affected  
**Response:** This matter has been considered in the Highways Issues section of this report.

- The site access plans do not accurately show the alignment of Cliffe Lane  
**Response:** it is considered that the plans provided in support of the application are sufficient for the Council to make a satisfactory assessment of the likely impacts associated with the local highways network.

### Other Matters

- 10.39 It is proposed that planning permission should be subject to the applicant entering into a section 106 agreement which would stipulate the route that can be used to gain access to the site and the type of vehicles that could be used to delivery inert waste to the site. It is considered that this would provide a satisfactory mechanism to control any associated impact on the highways network resulting from this development and when combined with the proposed restriction to vehicle movements would adequately mitigate against such impact.
- 10.40 The site falls within an area identified as a high risk area due to previous coal mining activity in the vicinity. However, it is considered that subject to the applicant implementing the mitigation strategy outlined in the supporting coal mining risk assessment, this proposal could be satisfactorily carried out without significant risk to land stability in the area. Consequently it is considered the development would accord with Section 11 of the NPPF with regard to potential impacts on land stability.

## **11.0 CONCLUSION**

- 11.1 The use of land for the deposit of inert material is inappropriate within the Green Belt and is therefore by definition harmful. However, this proposal provides an opportunity to increase the efficiency of agricultural land through the re-use of inert waste which would otherwise be sent to landfill. This accords with current national guidance relating to waste management which indicates that the reuse of waste is preferable to disposal by landfill. Furthermore, the development would be temporary in nature and offers an opportunity to enhance local biodiversity through the strategic planting and habitat creation which could help to provide connectivity with woodland to the north and east of the site. Therefore, on balance, it is considered that very special circumstances have been demonstrated in this instance.
- 11.2 The engineering works to remodel and re profile the site using imported inert material would result in an acceptable final landform which would return the site to an agricultural use and whilst the engineering works would inevitably have some impact upon the openness of the Green Belt, it is considered that the openness of the Green Belt would still be preserved and that the development would not conflict with the purposes of including land within it. It is therefore considered that the engineering operations proposed would not be inappropriate within the Green Belt.

11.3 This proposal would involve the import of a significant quantity of inert waste over a maximum period of 3 years resulting in 24 vehicle movements (12 in 12 out per day). Whilst this proposal would have a short term impact on the amenity of the area, it is considered that progressive backfilling of the site combined with the proposed mitigation measures would satisfactorily limit the adverse effects associated with this development. The subsequent restoration of the site would tie in well with the wider surrounding landscape and would provide an opportunity to enhance local biodiversity through strategic planting and habitat creation. It is therefore considered that the long term benefits associated with allowing development would outweigh the limited detrimental affect likely to be experienced during the course of the tipping and land forming operations. Furthermore it is considered that this proposal would not have a significant detrimental impact on the amenity of the area or highway safety and would comply with both local and national policy guidance.

**12.0 CONDITIONS** (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Development Management)

It is proposed that the following planning conditions would be included should planning permission be granted:

1. Standard 3 year implementation deadline
2. Condition requiring development in accordance with approved Plans
3. Time limit for completion of development by 31 April 2020
4. Prior cessation arrangements should works cease on site for more than 6 months
5. Vehicular access restriction to that indicated on approved plans
6. Wheel cleaning requirement
7. Vehicle sheeting requirement
8. Restriction on the numbers of vehicles visiting the site to 24 vehicle movements per day
9. Provision of adequate site lines and measures to prevent vehicles turning left at the site entrance before development commences
10. Provision of a highways condition survey prior to development commencing
11. Provision of drainage details for access road and parking areas
12. Provision of drainage management plan for the duration of works

13. Soil stripping requirement
14. Protection arrangements for areas where soils have been stripped
15. Requirement to strip soils during favourable weather conditions
16. Soils storage arrangements on site including position of any screening mounds
17. Progressive backfilling and restoration requirements
18. Restriction that only inert waste is imported to the site
19. Requirement to re-spread soils during favourable weather conditions
20. Requirement to allow LPA to inspect soil re-spreading once completed on site
21. Requirement to allow LPA the opportunity to inspect any imported soils or soil making materials
22. Soil cultivation requirements
23. Requirement to allow LPA to inspect soil cultivation once completed on site
24. Requirement to provide a grass sward on all restored areas not to be planted with trees
25. Requirement to provide a detailed restoration scheme
26. Requirement to replace any damaged or dead trees and shrubs following site restoration for a period of 5 years
27. The provision of a 5m standoff from trees adjacent to the northern boundary of the site
28. Provision of a land drainage details for the restored site
29. Provision of an aftercare scheme for a period of five years following site restoration
30. Restriction on hours of operation 7.30am-6.30pm Monday to Friday 8.30am to 1pm on Saturdays with no working on Sunday or Bank Holidays
31. Provision of dust suppression measures
32. Speed restriction requirement for vehicles on site



33. Removal of permitted development rights

34. Provision of adequate arrangements for the storage of any fuel and oils stored on site

**Background Papers:**

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f92321>

Certificate of Ownership –Certificate A signed 11 July 2016

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