

Public Document Pack



**Assistant Director, Governance and
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Julie Muscroft

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Wednesday 22 February 2017

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 2 March 2017**.

(A coach will depart the Town Hall, at 9.20am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in the Town Hall.)

This meeting will be webcast live.

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

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

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

Pages

1: Membership of the Committee

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

2: Minutes of the Previous Meeting

1 - 8

To approve the Minutes of the meeting of the Committee held on 2 February 2017.

3: Interests and Lobbying

9 - 10

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

4: Admission of the Public

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

5: Public Question Time

The Committee will hear any questions from the general public.

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.

7: Site Visit - Application No: 2016/92887

Erection of one dwelling and garage for use as bus depot and vehicle maintenance (within a Conservation Area) at Star Coaches of Batley Ltd, 2 George Street, Batley.

Estimated time of arrival: 10.00am.

Contact Officer: Louise Bearcroft, Planning Services.

Wards

Affected: Batley East

8: Site Visit - Application No: 2016/93428

Part demolition of existing mills and erection of 48 dwellings and 16 apartments. Re-use of existing mill building and alterations to form workshop, car storage, restaurant, function suite and ancillary office space and formation of car park. Conversion of mills to hotel and offices (Listed Building) at Washpit Mills, Choppards Lane, Cartworth Moor, Holmfirth.

Estimated time of arrival at site: 11.00am.

Contact officer: Adam Walker, Planning Services.

Wards

Affected: Holme Valley South

9: Site Visit - Application No: 2016/94262

Erection of industrial development of suis-generis, B1 and B8 floorspace adjacent to Neiley Garage, New Mill Road, Honley, Holmfirth.

Estimated time of arrival at site: 11.30am.

Contact Officer: Davis Wordsworth, Planning Services.

Wards

Affected: Holme Valley North

10: Local Planning Authority Appeal

11 - 32

The Committee will receive a report setting out the decision of the Planning Inspectorate in respect of an appeal submitted against the decision of the Local Planning Authority.

Contact: David Wordsworth, Planning Services.

Planning Applications

33 - 36

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

Please note that any members of the public who wish to speak at the meeting must register to speak by 5.00pm (for phone requests) or 11:59pm (for email requests) by no later than Monday 27 February 2017.

To pre-register, please contact richard.dunne@kirklees.gov.uk or phone Richard Dunne on 01484 221000 (Extension 74995)

An update, providing further information on applications on matters raised after the publication of the Agenda, will be added to the web Agenda.

11: Planning Application - Application No: 2016/92887

37 - 48

Erection of one dwelling and garage for use as bus depot and vehicle maintenance (within a Conservation Area) at Star Coaches of Batley Ltd, 2 George Street, Batley.

Contact Officer: Louise Bearcroft, Planning Services.

Wards

Affected: Batley East

12: Planning Application - Application No: 2016/93428

49 - 70

Part demolition of existing mills and erection of 48 dwellings and 16 apartments. Re-use of existing mill building and alterations to form workshop, car storage, restaurant, function suite and ancillary office space and formation of car park. Conversion of mills to hotel and offices (Listed Building) at Washpit Mills, Choppards Lane, Cartworth Moor, Holmfirth.

Contact Officer: Adam Walker, Planning Services.

Wards

Affected: Holme Valley South

13: Planning Application - Application No: 2016/92254

71 - 88

Erection of 24 dwellings at land off Colders Lane, Meltham, Holmfirth.

Contact Officer: Adam Walker, Planning Services.

Wards

Affected: Holme Valley North

14: Planning Application - Application No: 2016/94262

89 - 102

Erection of industrial development of suis-generis, B1 and B8 floorspace adjacent to Neiley Garage, New Mill Road, Honley, Holmfirth

Contact Officer: Davis Wordsworth, Planning Services

Wards

Affected: Holme Valley North

15: Planning Application - Application No: 2016/92866

103 -
114

Erection of 6 no. industrial units with office accommodation, formation of car parking and service yards and associated works at Colne Bridge Road, Colne Bridge, Huddersfield.

Contact Officer: Glenn Wakefield, Planning Services.

Wards

Affected: Ashbrow

Planning Update

115 -
122

The update report on applications under consideration will be added to the web agenda prior to the meeting.

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Contact Officer: Andrea Woodside, Tel. andrea.woodside

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 2nd February 2017

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

1 Membership of the Committee

There were no substitutions of membership.

2 Minutes of the Previous Meeting

RESOLVED – That the Minutes of the Meeting held on 5 January 2017 be approved as a correct record.

3 Interests and Lobbying

Councillors Kane, Pattison and S Hall advised that they had been lobbied on Application 2016/93740.

4 Admission of the Public

It was noted that exempt information had been provided to the Committee in relation to Application 2016/93740. (Minute No 16 refers)

5 Public Question Time

No questions were asked.

6 Deputations/Petitions

No deputations or petitions were received.

7 Site Visit - Application No: 2016/93797

Site visit undertaken.

8 Site Visit - Application No: 2016/92633

Site visit undertaken.

9 Site Visit - Application No: 2016/93740

Site visit undertaken.

10 Site Visit - Application No: 2016/93004

Site visit undertaken.

11 Planning Application - Application No: 2016/92633

The Committee gave consideration to Application 2016/92633 – Erection of 125 dwellings (with two apartment blocks) including, means of access and associated infrastructure at Heathfield Lane, Birkenshaw.

Under the provision of Council Procedure Rule 37, the Committee received a representation from Mark Jones (applicant's agent).

RESOLVED -

- 1) That the Head of Development Management be delegated authority to approve the application and issue the decision notice.
- 2) That the Head of Development Management be authorised to complete the list of conditions, which shall include; a two year time limit, the development to be in accordance with approved plans, approval of materials samples, scheme for a new footpath/bridle way link with construction and specification details , a landscape scheme introducing green infrastructure internally within the site and along the north western boundary, development to be completed in accordance with sections provided showing the relationship between Milford Grove and Bradford Road, boundary treatment details, ecology mitigation measure, lighting scheme for development, development to be carried out in accordance with the amended Arboricultural Method Statement, a package of sustainable travel incentives including improvements to bus shelters and residential metro cards through S106, notwithstanding the submitted details – vehicle swept path drawings to demonstrate refuse vehicle/emergency vehicles to access/egress and turn on site shall be submitted and approved in writing by the LPA, construction management plan with detail of how dust emissions during construction will be controlled/minimised, private parking spaces surfaced in permeable material, scheme for internal adoptable estate road (to include sections, drainage

Strategic Planning Committee - 2 February 2017

works, street lighting, sightlines safety audit and surface treatments), scheme detailing all new retaining walls/structures, scheme/constructional details for all new surface water attenuation/culvert tanks located in highways, no pumped discharge of surface water from development to local drainage networks, detailed drainage strategy limiting surface water discharge to 9.7l/s in accordance with submitted FRA dated November 2016 and maintenance and management plan to be approved, detailed flood routing strategy to include assessments and avoidance/mitigation of the effects of 1 in 100 year storm events of drainage infrastructure, surface water and run off pre and post development, temporary drainage provision for surface water drainage and flood risk mitigation during construction phase, no building or other obstruction including landscape features to be located over or within 3 meters either side of the centre of the line of the water main, implementation of remediation strategy, submission of validation report, noise mitigation measures for all properties to achieve acceptable internal target levels (higher acoustic glazing intermittent extract fans for extract ventilation and trickle ventilators for the dwellings adjacent to the motorway), details of an acoustic barrier along the boundary of site adjacent to the motorway and between properties, and provision of electric vehicle charging points.

- 3) That the Head of Development Management be authorised to secure a Section 106 agreement to cover the following matters; (i) Affordable Housing at 20% of the total number of units as starter homes, 25 units, in perpetuity, for sale at 20% off open market value, for first time buyers (aged 23-40) (ii) Public Open Space provisions on site together with commuted sum £6,900 for the shortfall of on-site and any other contribution in line with Policy H18 deemed necessary (iii) Education contribution at £477,319 based on 125 units and (iv) £101,393.75 towards two bus shelters at existing bus stops with Real Time Passenger Information displays and residential metro cards.
- 4) That, pursuant to (3) above, in circumstances where the S106 has not been completed within 3 months of this decision, 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, and be authorised to determine the application and consider whether it should be refused, and in such cases, impose appropriate reasons for refusal under delegated powers.
- 5) That, pursuant to (2) above, an additional condition be added in relation to the retention, repair and reinstatement of the stone boundary wall.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors S Hall, Kane and A Pinnock (3 votes)

Against: Councillors Armer, D Firth and Pattison (3 votes)

In accordance with Council Procedure Rule 18(25), the application was determined by the casting vote of the Chair, who voted for the approval of the application.

12 Planning Application - Application No: 2016/93004

The Committee gave consideration to Application 2016/93004 – Erection of club house and re-instatement of football field at former Brook Motors Sports Field, New Mill Road, Brockholes.

RESOLVED -

- 1) That the Head of Development Management be delegated authority to approve the application and issue the decision notice.
- 2) That the Head of Development Management be authorised to complete the list of conditions, which shall include; commencement of development, development to be completed in accordance with plans, submission of materials for the clubhouse, approval of boundary treatments, submission of crime prevention measures, submission of details for construction traffic to and from site, secure sightlines for point of access, marking out and surfacing of car park with appropriate materials, setting back of gate for site access, submission of details for secure bicycle parking, provision of parking area for Forester's buildings prior to development being brought into use, environmental agency condition re finished floors, drainage strategy – surface water run off; flow routing and temporary drainage solutions, flood mitigation construction techniques, hours of use condition for pitch/floodlights/clubhouse, glare control of floodlighting, unexpected contamination, noise attenuation measures (between club and nearest dwellings), club house not to be used as an A4 public house and biodiversity enhancement measures/landscaping plan.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Armer, D Firth, S Hall, Kane, Pattison and A Pinnock (6 votes)

Against: (No votes)

13 Planning Application - Application No: 2016/93797

The Committee gave consideration to Application 2016/93797 – Conversion and extension of existing building, including part demolition, to form wedding venue and restaurant with bedrooms and ancillary car park together with community use (Listed building)(modified proposal) at Fieldhead, 1 Lidget Street, Lindley.

Under the provision of Council Procedure Rule 37, the Committee received a representation from Malcolm Sizer (applicant's agent).

RESOLVED -

- 1) That the Head of Development Management be delegated authority to approve the application and issue the decision notice.
- 2) That the Head of Development Management be authorised to complete the list of conditions, which shall include; standard limit for implementation, development to be in accordance with the approved plans and other details,

Strategic Planning Committee - 2 February 2017

walling and roofing materials to match existing building, sectional plan of proposed roof terrace to be submitted showing the height of the proposed stone parapet, the hours of use of the roof terrace, sight lines cleared of obstructions to visibility before development is brought into use, access improvements to be implemented in accordance with approved details before development is brought into use, sound attenuation measures to be implemented and proof submitted that they have been installed, approval of ventilation scheme, external doors and windows to remain closed during regulated entertainment, restrictions on hours of use of the premises, bat mitigation measures and three starling nest boxes to be implemented and retained, amended details of landscaping scheme to be submitted and approved, amended arboricultural method statement to be submitted and approved, drainage scheme for the building – details to show how the parking spaces are to be drained, windows at the first floor in northern side elevation to be fitted with obscure glazing minimum grade 4, boundary treatments shown on the approved plans to be implemented and retained, cycle parking facilities as shown on drawing 0010/01 to be provided, travel plan recommendations to be implemented, details of site specific CCTV system and external lighting to be submitted and approved, and details of any permanent parasols or outdoor heaters to be submitted and approved prior to the first use of the terrace.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Armer, D Firth, S Hall, Kane, Pattison and A Pinnock (6 votes)

Against: (No votes)

14 Planning Application - Application No: 2016/92181

The Committee gave consideration to 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.

RESOLVED –

- 1) That the application be refused on highways safety grounds as the proposed access arrangements for the development of the site would be detrimental to highway safety and efficiency in this location, and 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.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Armer, D Firth, S Hall, Kane, Pattison and A Pinnock (6 votes)

Against: (No votes)

15 Planning Application - Application No: 2015/93850

The Committee gave consideration to Application 2015/93850 – Demolition of intensive poultry farm buildings and redevelopment of site with 6 detached dwellings with associated landscaping including new paddocks at New Dunsley Poultry Farm, Brow Lane, Holmfirth.

RESOLVED -

- 1) That the Head of Development Management be delegated authority to approve the application and issue the decision notice.
- 2) That the Head of Development Management be authorised to complete the list of conditions, which shall include; development to begin within three years, development to be carried out in complete accordance with the plans and specifications schedule, samples of all facing and roofing materials, details of the siting/design/materials to be used in the construction of walls or fences for boundaries/screens/retaining walls, vehicle parking areas to be surfaced and drained, a scheme detailing the proposed internal adoptable estate roads including a turning head, no vehicular access to the development from Brow Lane, a scheme for cycle storage facilities, a scheme detailing foul/surface water/land drainage/ no building or other obstruction located over or within 3.0m either side of the centre line of the 110mm live public water main which crosses the site, phase II intrusive site investigation report, remediation strategy, revisions to the remediation strategy or contamination not previously considered, validation report, landscaping scheme, biodiversity mitigation and enhancement plan and details of the packaged sewage treatment.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Armer, D Firth, S Hall, Kane, Pattison and A Pinnock (5 votes)

Against: Councillor Kane (1 vote)

16 Planning Application - Application No: 2016/93740

The Committee gave consideration to Application 2016/93740 – Conversion and alterations of former industrial/commercial buildings to form 104 apartments, leisure facilities and management offices (within a Conservation Area) at Blakeridge Mill, Blakeridge Lane, Batley.

Under the provision of Council Procedure Rule 37, the Committee received representations from Nick Wilock (applicant's agent), Helen Davies (applicant) and Tracy Brabin MP.

RESOLVED -

- 1) That the Head of Development Management be delegated authority to approve the application and issue the decision notice following the completion of the consultation period.
- 2) That the Head of Development Management be authorised to complete the list of conditions, which shall include; the commencement of development, development to be completed in accordance with approved plans, alteration and new building works to be undertaken with existing reclaimed stone from the site, landscape scheme and subsequent maintenance, agreed drainage strategy to be implemented, erect acoustic barrier prior to any occupancy with the pavilion, update lighting scheme, scheme for provision of electric charging points, scheme for crime prevention measures, leisure facility and the office suite use exclusively for the Blakeridge complex, implementation of the Japanese Knotweed Management Statement, provision and surfacing of parking and turning areas, extension of section of internal footway in front of Blakeridge Mills, details of any retaining structures adjacent to an adopted highway and provision/implementation of a full residential travel plan.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Armer, D Firth, S Hall, Kane, Pattison and A Pinnock (6 votes)

Against: (No votes)

17 Local Planning Authority Appeal

The Committee received a report which set out details of an appeal in regards to Application 2016/90146, which had been allowed by the Planning Inspectorate. The application, which sought outline permission for the erection of residential development at land at Lancaster Lane, Brockholes, had been made under Section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision. The Committee noted that the appeal had been allowed and that outline permission had been granted with all matters (other than access) reserved for residential development.

The report of the Planning Inspector was appended to the considered report.

RESOLVED –

That the report be noted.

18 Pre-application Enquiry: 2016/20220

The Committee received a report which set out information on a pre-application enquiry regarding a potential major planning application for a sandstone quarry by Johnson Wellfield Quarries. Details of the proposal and associated issues were summarised within the considered report.

Strategic Planning Committee - 2 February 2017

Under the provision of Council Procedure Rule 37, the Committee received representations from Mr Berry (applicant) and Mr Standen (applicant's agent).

The Committee provided comment upon the information that had been provided.

RESOLVED – That the information provided be noted.

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

LOBBYING

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

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

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

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

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

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

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

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

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

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

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

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

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

Lobbying

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

Name of meeting: PLANNING STRATEGIC COMMITTEE

Date: 2 MARCH 2017

Title of report: LOCAL PLANNING AUTHORITY APPEALS

The purpose of the report is to inform Members of planning appeal decisions received in the Heavy Woollen/Huddersfield area since the last Strategic Committee meeting.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not applicable
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports)?	No
The Decision - Is it eligible for "call in" by Scrutiny?	No
Date signed off by Assistant Director & name	Paul Kemp 21 February 2017
Is it also signed off by the Assistant Director for Financial Management, IT, Risk and Performance?	No financial implications
Is it also signed off by the Assistant Director - Legal Governance and Monitoring?	No legal implications
Cabinet member portfolio	Economy, Skills, Transportation and Planning (Councillor McBride)

Electoral wards affected:

Ward councillors consulted: No

Public or private:

1. Summary

This report is for information only. It summarises the decisions of the Planning Inspectorate, in respect of appeals submitted against the decision of the Local Planning Authority. Appended to this Item are the Inspector's decision letters. These set out detailed reasoning to justify the decisions taken.

2. Information to note: The appeal decision received are as follows:-

- 2.1 2014/62/93073/E - Erection of 39 dwellings with associated highways and landscaping works (amended layout) at Land Off, New Lane, Cleckheaton, BD196LG. (Strategic Committee in accordance with officer recommendation) (Allowed)

3. Implications for the Council

3.1 There will be no impact on the four main priority areas listed below

- Early Intervention and Prevention (EIP)
- Economic Resilience (ER)
- Improving outcomes for Children
- Reducing demand of services

4. Consultees and their opinions

Not applicable, the report is for information only

5. Next steps

Not applicable, the report is for information only

6. Officer recommendations and reasons

To note

7. Cabinet portfolio holder recommendation

Not applicable

8. Contact officer

Mathias Franklin –Development Management Group Leader (01484 221000) mathias.franklin@kirklees.gov.uk

9. Background Papers and History of Decisions

Not applicable

10. Assistant Service Director responsible

Paul Kemp

Appeal Decision

Inquiry held on 13-16 December 2016

Accompanied site visit made on 14 December 2016

by M C J Nunn BA BPL LLB LLM BCL MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 February 2017

Ref: APP/Z4718/W/16/3147937

Land off New Lane, Cleckheaton, BD19 6LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Strata Homes Ltd, Peter Brown, Susan Brown, Bridget Knight and Nigel Pearson against the decision of Kirklees Council.
 - The application Ref: 2014/62/93073/E, dated 26 September 2014, was refused by notice dated 12 October 2015.
 - The development was originally described as "full planning application for erection of 51 residential properties on Land at New Lane, Cleckheaton with associated highways and landscaping".
-

Decision

1. The appeal is allowed and planning permission granted for the erection of 39 dwellings with associated highways and landscaping at Land off New Lane, Cleckheaton, BD19 6LG, in accordance with the terms of the application, Ref: 2014/62/93073/E, dated 26 September 2014, subject to the conditions set out in the attached Schedule.

Preliminary Matters

2. As originally submitted, the planning application was for 51 dwellings, as recorded in the header above. However, during the determination process the scheme was reduced to 39 houses. The Council considered the proposal on this revised basis and I have done the same.
3. In addition to my accompanied site visit, I made a number of unaccompanied visits to the site and its surroundings.
4. Amended plans have been put forward by the appellant for consideration, to replace certain of those originally determined by the Council. These comprise an amended Site Layout Plan (0200-0201 Rev Q)¹, Street Scenes (0200-0252 Rev A), Sections (0200-251 Rev A), and Moorside Build-Out (873 01 Rev F). These revisions followed, amongst other things, a further review of site levels and the position of existing protected trees on the site. The overall layout of the scheme is very similar to that originally proposed, and on which the Council

¹ The Council determined the application on the basis of Site Layout Plan 0200-0201 Rev P

based its decision, although the detailed orientation and placement of certain houses has altered. Publicity was undertaken by the appellant, which included letters to those originally notified of the application, a newspaper advert, and notices displayed at the site. The Council confirmed it had no objection to the appeal being determined on the basis of the revised plans.

5. I am satisfied that those with an interest in the proposal have had sufficient opportunity to comment on the revised layout, which does not alter the substance of this scheme. At the Inquiry I ruled that, having regard to the *Wheatcroft Principles*, no-one would be prejudiced by my assessing the appeal on the basis of the revised plans. I have proceeded on this basis.
6. On the final day of the Inquiry, I agreed that one of the objectors to the scheme, Mr Raisbeck, could put in written submissions in respect of highway matters. I postponed closing the Inquiry until both the appellant and Council had had the opportunity to respond in writing to his comments. The Inquiry was closed in writing on 21 December 2016. I have taken all the comments received into consideration in my deliberations.
7. A planning obligation, dated 15 December 2016, was submitted during the Inquiry. I deal with this in the body of my decision.

Main Issues

8. The main issues are:
 - i. the effect of the proposal on the character and appearance of the area;
 - ii. the effect on the safe and efficient operation of the highway;
 - iii. whether the proposal would represent a sustainable form of development; and
 - iv. in the absence of a five year supply of deliverable housing sites, whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits of the scheme.

Reasons

Planning Policy Context

9. The relevant legislation² requires that the appeal be determined in accordance with the statutory development plan unless material considerations indicate otherwise. The statutory development plan comprises the 'saved' policies of the Kirklees Unitary Development Plan, adopted in 1999 ('the UDP'). The Council's decision notice refers solely to Policy D3 of the UDP, concerned with Urban Greenspace (UGS). Nevertheless, other relevant policies of the UDP include BE1, BE2, BE12 (broadly concerned with design principles), T10 (highway safety), T19 (parking), NE9 (trees), H1 (housing needs), H10 (affordable housing), and H18 (provision of open space).
10. Policy D3 sets out the Council's approach to land designated as UGS. It states that permission will not be granted unless the proposed development is

² Section 38(6) of the Planning and Compulsory Purchase Act 2004

- (i) necessary for the continuation or enhancement of established uses or involves a change of use to alternative open land uses, or would result in a specific community benefit, and in all cases, will protect visual amenity, wildlife value and opportunities for sport and recreation, or (ii) includes alternative provision of UGS equivalent in both quantitative and qualitative terms to that which would be developed and be reasonably accessible to existing users.
11. The National Planning Policy Framework ('the Framework') sets out the Government's planning policies and is a material consideration in planning decisions. The Framework does not change the statutory status of the development plan for decision making. Importantly, however, the Framework advises at Paragraph 215 that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework.
 12. Within the adopted UDP, the appeal site is designated as part of a larger area of UGS, where Policy D3 applies. In this respect, a residential scheme, as proposed here, clearly would not accord with Policy D3 of the UDP. However, it is not disputed by the Council that it is unable to demonstrate a deliverable five year supply of housing, as required by the Framework. At the Inquiry, the current five year supply was calculated to be 2.66 years by the Council, and 2.27 years by the appellant³. The Council acknowledges that, based on either figure, the shortfall is significant. Indeed, the Council accepts that the housing delivery problem is 'acute and chronic'⁴. In such circumstances, Paragraph 49 of the Framework is engaged and the relevant policies for housing supply should not be considered up-to-date.
 13. The UDP, as the appellant notes, is also formally 'time expired', its end date being April 2006. The Council states that Policy D3 should not be given reduced weight merely on account of its age. It suggests that the policy is largely consistent with the Framework: it is not a 'blanket restriction' and is directed at urban land of identifiable value. Whilst I accept that may be so, given that Policy D3 of the UDP seeks to preclude development on UGS except in specific and limited circumstances, and given its reasonably extensive geographic coverage, its effect is inevitably to constrain the supply of housing. Thus, to the extent the Policy affects the supply of housing, it cannot be considered up-to-date. To the extent the Policy seeks to protect UGS, it continues to carry some weight in the overall planning balance, but the amount of weight is a matter of planning judgement in the circumstances of the case, which I deal with later.
 14. Paragraph 49 also records that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 14 of the Framework is clear that where the development plan is absent, silent or out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
 15. The Council's decision notice also refers to Paragraph 74 of the Framework. This states that existing open space, sports and recreational buildings and land,

³ Statement of Common Ground, Paragraphs 6.5 & 6.6

⁴ Closing Submissions of Council, Paragraph 23

including playing fields, should not be built on unless: an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreation provision, the needs for which clearly outweigh the loss.

16. There was much discussion at the Inquiry as to the relevance of Paragraph 74 to this appeal, including whether Policy D3 is consistent with it. The appellant seeks to argue that Paragraph 74 is not directly relevant on the basis it only applies to land which provides for active recreational use, and has some element of public access, which the appeal site does not. The Council, based on an interpretation of the definition of open space within the Framework's Glossary, argues that Paragraph 74 applies to sites which can act as a visual amenity, and that offering important opportunities for sport and recreation is not necessarily a pre-requisite⁵.
17. In support of its contention, the Council highlights that in Paragraph 74 'open space' is identified separately from 'sports and recreational buildings and land'. My attention was also drawn to the Planning Practice Guidance⁶ which records the various forms that open space can take, including amongst other things, formal sports pitches, contributing to green infrastructure, as well as being an important part of the landscape and setting of built development. In addition, the Council also draws support for its argument in the now cancelled Planning Policy Guidance 17: *Planning for Open Space, Sport and Recreation* (PPG17). The Annex of PPG17 states that 'even without public access, people can enjoy having open space near them to provide an outlook, variety in urban scene, or as a positive element in the landscape'.
18. The Council further contends that the effect of Paragraph 74 means that the 'weighted balance' in favour of approving development proposals in Paragraph 14 does not apply. This is because Paragraph 74 is a specific policy that indicates development should be restricted, and Footnote 9 to Paragraph 14 gives examples of such policies which cut across the underlying presumption in favour of development. Although Paragraph 74 is not specifically listed, it is the Council's contention that recent case law supports Footnote 9 being given a wide meaning⁷. I acknowledge the list is not exhaustive, and that Paragraph 74 could potentially be regarded as a policy where the Framework indicates permission should be restricted.
19. It seems to me that the definition of open space within the Glossary of the Framework is open to interpretation. However, having regard to the broader definition with the PPG, I accept that the definition of open space may include land protected for its visual amenity, and which does not necessarily have a formal recreational or sporting function, nor is accessible to the public. It is also the case that open space may also have value in the sense it provides variety in urban townscapes, and contributes to the landscape. Such attributes can promote the health and wellbeing of communities.

⁵ The definition of Open Space is: All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.

⁶ Paragraph: 001 Reference ID: 37-001-20140306

⁷ *Forest of Dean Council v SCLG & Gladman Developments Ltd* [2016] EWHC 421 (Admin)

20. All that said, whilst accepting open space may comprise land protected for its visual amenity, it is difficult to see how the various tests in Paragraph 74 are especially relevant or germane to land primarily or solely safeguarded for that purpose, as is the case with respect to the appeal site. Indeed, it is hard to see how such land protected mainly for visual amenity or landscape value could normally be regarded as 'surplus to requirements' in any commonsense or practical view, or that it could be replaced by 'equivalent or better provision in terms of quantity or quality in a suitable location', in the way that, for example, a playing field, formal recreational ground, play area or park could⁸.
21. Indeed, the danger is that the strict application of such tests framed in this way would preclude development on large swathes of land protected mainly for their visual amenity within the Plan Area. It would severely restrict opportunities for new development because it would require that land primarily protected for its visual qualities would have to be re-provided elsewhere in alternative suitable locations, or found to be 'surplus' to requirements. I am not convinced this is a realistic or appropriate approach given the severe housing land supply shortage in Kirklees.
22. Nor am I persuaded that it was the Framework's intention to sterilise such land from development, especially given the requirement to boost significantly the supply of housing⁹ and to ensure that the planning system does not act as an impediment to sustainable growth¹⁰. In my view, Paragraph 74's purpose is not primarily concerned with landscape protection, especially given that other provisions of the Framework deal with such matters. Hence, I am not convinced that the strict application of the tests in Paragraph 74 is particularly appropriate or relevant in this case. It follows too, therefore, that I do not consider the weighted presumption of Paragraph 14 should be displaced.
23. All that said, even if a contrary view is taken that the tests in Paragraph 74 are directly relevant with respect to the appeal site, the appellant has demonstrated that there is no current existing shortage of natural and semi-natural greenspace within the Cleckheaton Ward¹¹. The Kirklees standard for such land is 2ha per 1000 of the population¹². Presently, within Cleckheaton Ward, the amount of natural and semi-natural greenspace is 2.86ha per 1000 population. In the event the appeal site were to be developed, this would reduce to 2.76ha per 1000. This is still in excess of the 2ha standard. Thus, development of the appeal site would not result in a quantitative deficiency. Accordingly, in quantitative terms, the site could be said to be 'surplus to requirements' with reference to Paragraph 74. I deal with the qualitative merits of the site below.
24. An earlier Core Strategy was submitted for examination in 2012 but ran into difficulties and was withdrawn. A new local plan is currently being prepared for Kirklees. The Publication Draft Local Plan: Strategy & Policies ('the Emerging Plan') was published in November 2016 for consultation. The appeal site continues to be identified as UGS within that Plan, as part of the larger

⁸ See observations of Lindblom LJ in *R (on the application of Anne-Marie Loader) v Rother District Council & Churchill Retirement Living* [2016] EWCA Civ 795

⁹ Paragraph 47

¹⁰ Paragraph 19

¹¹ Proof of Evidence, Paul Bedwell, Paragraphs 6.113-6.119

¹² Open Space Study 2015 (Revised 2016)

allocation, and is protected by Policy PLP 61. However, the Emerging Plan is still at an early stage. Examination and adoption is highly unlikely before 2018 at the earliest. The Plan is subject to various outstanding objections, and its policies may be subject to significant change. In these circumstances, and in accordance with Paragraph 216 of the Framework, very little weight can be given to the Emerging Plan.

Character and Appearance

25. The appeal site comprises an irregular shaped area of open land that slopes gently away from New Lane. The westernmost part fronts directly on to New Lane, and is enclosed by a hedgerow. The western boundary of the site is indented by various residential properties fronting New Lane, including the more modern cul-de-sac of houses of Rustless Close. To the north, the site extends to Moorside (A643) and Pearson Street (a cul-de-sac). The eastern boundary abuts further open fields, and to the south are the predominantly open curtilages of buildings along Halifax Road. A number of trees within the site are protected by a Tree Preservation Order (TPO)¹³ including a group immediately to the east of Rustless Close. The site forms part of much larger area of UGS extending eastwards.
26. The site was assessed some years ago as part of the Inspector's Report into objections to the UDP in 1995-6, where it was noted that this part of the UGS had a more enclosed feel than much of the area, because of the narrowing of the open tract at the west end between housing on Moorside and Halifax Road, and the more intensive tree cover. It was also recorded that the site was less prominent from the built up area of the Cleckheaton than the north facing slopes further east. Nonetheless, the Inspector concluded that the site created an open break along New Lane, was appreciated from the public footpath to the east, and that the trees, some protected by a TPO, provided a feature of amenity value, and that the designation of UGS was justified.
27. The UDP Inspector's opinion that the UGS designation was warranted was made well over 20 years ago, and should be treated with some caution. The character and appearance of areas inevitably change over time, with new developments occurring. For example, the comments predate the construction of the dwellings in Rustless Close. Moreover, the Inspector's Report was also written in a markedly different planning policy context, before the publication of the Framework, and at a time when housing needs were not so pressing.
28. As part of this appeal, the Council has assessed the landscape value of the site to be 'moderate'¹⁴ whereas the appellant describes it as 'medium / low'¹⁵. From my own observations, in terms of scenic quality, the appeal site landscape can be regarded as reasonably attractive, to the extent it comprises open land, but it is certainly nothing out of the ordinary. Apart from the protected trees, the appeal site contains few landscape features of intrinsic value. Indeed, much of the area comprises overgrown brambles and grassland, with some evidence of fly tipping, and it is generally in a declining condition. The site itself has no public access, no public rights of way and does

¹³ Tree Preservation Order No 17 (2014)

¹⁴ Proof of Evidence, Christina Lee, Paragraph 5.3

¹⁵ Proof of Evidence, Pauline Randall, Paragraph 4.36

- not perform a formal recreational function. In terms of tranquillity, it is affected by the M62 to the north west.
29. In my judgement, the appeal site is relatively well contained, notwithstanding its designation as UGS. Although the site is currently undeveloped, its character is significantly affected by the urban development on its edges – in particular the housing development along New Lane and Rustless Close, as well as the properties to the north along Moorside, Pearson Street and Thornton Street. It possesses a slightly urban fringe character. Whilst the easternmost boundary abuts open landscape, the site is largely perceived in the context of the surrounding urban development. Importantly, I do not regard the site to be an essential or intrinsic component of the wider open countryside or area of UGS. In fact, it only comprises a relatively small element of this UGS allocation. Nor do I consider that its development would mean the much larger area of UGS would be compromised or become unviable.
30. There are limited public views into the site, and when viewed from New Lane, the most obvious public vantage point, it is seen in the context of the built environs of the locality. Within the wider landscape, my inspections from the footpath to the east SPE/92/10 indicate that the appeal site is seen at a distance and within the context of a larger panorama which includes much urban development. As one walks along the footpath, views of the site are heavily filtered by the intervening vegetation and, in places, impeded by a roll in the hillside. Whilst the development would be seen as expanding the urban edge of housing, the visual intrusion of built development when viewed from the footpath would be limited because of the benefit of distance, intervening vegetation and width of view.
31. A concern raised by objectors to the scheme is the effect on the character of New Lane. I acknowledge, notwithstanding the existing residential development, that New Lane retains a semi-rural appearance because of the length of hedgerow and the UGS beyond. This open break is clearly locally valued by those living in the road, and affords pleasant views from the properties in the vicinity across the UGS. The proposed access into the site from New Lane and new housing would result in the loss of this open break and would create a substantially more suburban appearance. However, given the existing context of residential housing, I see the location as less sensitive to new development, as compared with the circumstances further eastwards where the UGS opens up into a much wider expanse of land.
32. I am satisfied that the proposed dwellings would be of a high quality design and of an appropriate scale, and that the proposed palette of materials of the buildings would reflect those of the existing locality. In my judgement, there is no reason to suppose that new residential development would not be adequately assimilated with the other existing houses along the road. Concerns have been raised about the loss of views from existing dwellings. However, the slope in the land, together with the heights of the proposed dwellings, and the intervening distances between buildings are such as to avoid unacceptable dominance, overshadowing or loss of privacy.
33. Drawing all these matter together, in terms of character and appearance, I consider that the appeal scheme would have a relatively localised impact on the character of the area, the most marked effect being on the character of

New Lane where the open break and hedgerow would be lost. I consider that the new development would have a modest effect on the wider landscape and larger UGS allocation because of the site's relatively self-contained nature, its limited size and the existing development around its edge. In these circumstances, I find the proposal would comply with Policies BE1, BE2 and BE12 of the UDP which together, amongst other things, require development to be of good quality design that retains a sense of local identity, to be in keeping with surrounding development, incorporate existing landscape features, including trees as an integral part of the proposal, and require that privacy and open space be provided in new dwellings.

Effect on safe and efficient operation of the highway

34. The scheme would comprise two separate cul-de-sacs, one accessed from New Lane and the other from a widened Pearson Street. Each would be linked together via a footpath. At application stage, following discussions and various design amendments, no technical objections on highway grounds were raised by officers of the Council, subject to conditions. The Council's stated position at the Inquiry was that access arrangements accord with the current guidance and that the proposal would not present a highway safety or capacity problem¹⁶. However, there are nonetheless issues that have raised considerable concerns with objectors to the scheme.
35. The appellant estimates vehicular flows would comprise up to some 22 vehicular trips in the morning peak hour, and some 24 vehicular trips in the evening peak. It is estimated that the development would generate a daily traffic flow of around 206 vehicle movements¹⁷. Given that none of the existing roads are currently close to their theoretical capacities, I see no reason to doubt that additional traffic would be easily accommodated without materially affecting the capacity of the road network.
36. Local residents are also concerned about the loss of on-street parking, but the scheme would only result in the loss of two on-street parking spaces on Moorside as a consequence of 'Keep Clear' markings either side of the junction with Pearson Street. No other restrictions are proposed such as, for example, the introduction of 'yellow lines', or the construction of 'kerb build-outs'. Six new parking spaces would be provided for residents of Moorside and Pearson Street within the scheme in mitigation. Concerns are also raised that the scheme would lead to an increase in parking along Moorside, affecting visibility and access to properties along that road. However, based on the evidence of the appellant, I consider it is unlikely that the development would displace parked vehicles on to this part of the road. Residents have also raised concerns about the narrow width of Pearson Street, but the appeal scheme proposes widening this road to a standard width of 5.5 metres, addressing any concerns in that regard.
37. I have carefully considered the concerns of the local residents in relation to highway matters, but find no compelling evidence to indicate that there would be an unacceptable risk for drivers or that the additional traffic could not be

¹⁶ Statement of Common Ground, Paragraph 8.6

¹⁷ Highways Proof of Evidence, Eric Appleton, Pages 13-14

satisfactorily accommodated. If this had been the case, I would have expected the Council, as the responsible highway authority, to have raised objections.

38. To sum up on this issue, it would not be reasonable to withhold permission for this scheme on the basis of concerns in relation to highway effects. There is no doubt that the scheme would result in some additional traffic compared with the current situation but there is no evidence that it would prejudice the safe and efficient operation of the highway. Paragraph 32 of the Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe. This would not be the case here. I am also satisfied the scheme would comply with Policies T10 and T19 of the UDP, concerning highway safety and parking respectively.

Sustainability

39. Turning to sustainability, the Framework identifies different dimensions to sustainable development, comprising economic, social, and environmental. These dimensions give rise to the need for the planning system to perform a number of roles. The additional housing would be a weighty benefit for the area, by introducing much needed private and affordable housing for local people – 30 new market homes and 9 affordable homes. It would boost the supply of housing in accordance with the Framework. It would create additional housing choice and competition in the housing market. It would create investment in the locality and increase spending in local shops. It would create jobs and investment during the construction phase, albeit for a temporary period. The new homes bonus would bring additional resources to the Council¹⁸.
40. I also consider that the site is in a reasonably sustainable location, not far from the various shops, services, health & education facilities, and employment opportunities of Cleckheaton. There are a number of bus services available nearby. The scheme includes financial contributions, secured by a planning obligation, to enable investment education, as well improvements to bus stops and the provision of MetroCards to residents in order to encourage public transport use. In these respects, I am satisfied that the scheme would comply with the economic and social dimensions of sustainability.
41. In terms of the environmental dimension, a contention is that the development is unsustainable because it would lead to the loss of an area of UGS, in conflict with Policy D3 of the UDP. However, a significant element of the urban area within Kirklees falls within this category. Given the acknowledged need for housing, it is likely that some land designated as UGS will be required for development. Whilst the development would result in the loss of an area of UGS as well as section of hedgerow, the Site Layout Plan shows opportunities for landscaping. The scheme also proposes the provision of an area of public open space, which incorporates a group of protected trees. Taken as a whole, and in the light of my findings in relation to character and appearance, I am satisfied that the scheme meets the social, economic and environmental dimensions of sustainability as set out in Paragraph 7 of the Framework, and these factors can be weighed in the final decision making balance.

¹⁸ This could total around £280,000 over 6 years

Other Matters

42. The appellant has completed a planning obligation dated 15 December 2016. The obligation secures the provision of affordable housing at a rate of 23%. Based on 39 dwellings, this equates to 9 affordable units. It also secures the provision of on-site public open space, requiring a scheme for its future maintenance and management to be approved. It secures financial contributions towards educational facilities at Whitechapel Primary School to accommodate pupil growth from the development (£96,372)¹⁹, bus stop improvements (£10,000) and MetroCards for occupants of the development (£18,000) to promote the use of public transport.
43. I have no reason to believe that the formulae and charges used by the Council to calculate the various contributions are other than soundly based. The Council has produced a detailed Compliance Statement which demonstrates how the obligations meet various Council policies and the Community Infrastructure Levy Regulations²⁰. The development would enlarge the local population with a consequent effect on local services and facilities. I am satisfied that the provisions of the obligation are necessary to make the development acceptable in planning terms, that they directly relate to the development, and fairly and reasonably relate in scale and kind to the development, thereby meeting the relevant tests in the Framework²¹ and the Community Infrastructure Levy Regulations²².
44. The Council has raised concerns in respect of the revised plans, specifically regarding the impact on certain trees. It is said that the 90 degree rotation of the houses at Plots 35-37 would create a domestic aspect towards the protected trees. The concerns are that the canopies of the trees would be closer to the rear windows of the properties, thereby reducing outlook and light, and that that the usability of the garden spaces of the dwellings would also be impaired, because of light loss, overshadowing, and debris drop. This would, the Council says, lead to pressures to prune or even remove the trees.
45. I note, however, that in the revised layout the distance of the houses from the trees would be increased by around 2 metres²³, and because of the eastern orientation of the gardens, any overshadowing or loss of sunlight would be confined to the early morning period. Moreover, because the trees are protected, any decision to prune or fell the trees is at the discretion of the Council. It therefore has control over their future management and I am not convinced the appeal should fail on this ground.
46. In terms of ecology, no part of the site is covered by wildlife designations. An Ecological Summary Statement²⁴ concludes that the site comprises habitats of low ecological value, and that the retention of the site's woodland area within the scheme would provide opportunities for enhancement. Appraisals and a number of surveys have been undertaken to determine the habitats present within the site. No evidence of bat roosting has been found, although the site

¹⁹ In accordance with the Council's document entitled: 'Providing for Education needs generated from New Development'

²⁰ Statement of Compliance with CIL Regulations, dated 16 December 2016

²¹ Paragraph 204

²² Regulation 122

²³ Note on Trees, Jonathan Cocking, Inquiry Document 12

²⁴ Proof of Evidence, Pauline Randall, Annex 1

has been found to support foraging. I am satisfied that appropriate mitigation measures could be undertaken to ensure there is no negative effect on nature conservation interests. There is also the opportunity for ecological enhancement and habitat creation through management of the woodland within the site. These measures could be secured by condition.

47. A Flood Risk Assessment has been prepared which confirms that the site falls entirely within Flood Zone 1 where there is a low probability of flooding. I am satisfied that drainage matters can be appropriately dealt with by a condition.

Overall Conclusions and Planning Balance

48. The Framework states at Paragraph 14 and 49 that proposals should be considered in the context of the presumption in favour of sustainable development, which is defined by the economic, social, and environmental dimensions and the interrelated roles they perform. In this case, the contribution of the site to the market and affordable housing requirements of the district is of substantial importance. The scheme would also generate economic and social benefits. It is reasonably close to the facilities and services of Cleckheaton and there are bus services nearby. Whilst the development would result in the loss of an area of UGS as well as a section of hedgerow, the Site Layout Plan shows opportunities for landscaping, the retention of trees and the incorporation of public open space. The site is physically well contained and visually well related to the existing built-up area.
49. The scheme would conflict with Policy D3 of the UDP. Policy D3's effect is to constrain the supply of housing and in this respect cannot be considered up-to-date. Nonetheless, it continues to carry weight in the overall planning balance to the extent the Policy seeks to protect UGS. However, the significance of the conflict is mitigated in that, although designated as UGS, the site is enclosed from public access, is overgrown in parts with some small scale fly-tipping taking place, and is in a declining condition. I accept that the site does offer a welcome open break within New Lane and the surrounding built up area, but that benefit is geographically limited principally to those properties in the vicinity.
50. With regards to the relevance of Paragraph 74 of the Framework, I have expressed some doubts as to whether tests framed in terms of open space being 'surplus to requirements' or replaced by 'equivalent or better provision in terms of quantity or quality in a suitable location' are especially relevant or germane to land primarily safeguarded for visual amenity, as here. However, even if a contrary view is taken, the appellant has demonstrated that there is no current existing shortage of natural and semi-natural greenspace within the Cleckheaton Ward. Therefore, development of the appeal site would not result in a quantitative deficiency, and, accordingly, in quantitative terms, the site could be said to be 'surplus to requirements'. Furthermore, I am satisfied that in qualitative terms, the site's characteristics are not of such a high order that development should not take place.
51. Taken as a whole, and in the light of my findings in relation to character and appearance, as well as highway matters, I consider that the site meets the social, economic and environmental dimensions of sustainability as set out in Paragraph 7 of the Framework, and this weighs heavily in favour of the

scheme. Moreover, I am satisfied that the scheme considered as a whole would provide material benefits compliant with other aspects of the UDP and the Framework. Specifically, it would comply with UDP Policies including BE1, BE2, BE12 concerned with general design principles, Policy T10 concerned with highway safety, Policy T19 relating to parking, and Policy NE9 requiring mature trees to be retained. It would also comply with Policy H1 which requires that the housing needs of the district be met, including the provision of affordable homes, Policy H10 which requires an element affordable housing in new developments, and Policy H18 which requires the provision of open space in housing developments. Overall, I consider the scheme is a sustainable form of development, for which Paragraph 14 makes clear there is a presumption in favour.

52. Importantly, the Council cannot demonstrate a five year supply of housing. This factor attracts substantial weight in favour of granting permission for the proposals, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. I am satisfied that none of the reasons put forward for opposing the development establishes that the harm would be significant or would demonstrably outweigh the benefits. It follows that the appeal should succeed, subject to conditions. I deal with conditions below.
53. In reaching my decision, I have carefully considered the serious concerns voiced by local residents. I note the fears that granting planning permission would create a precedent for other housing proposals on land designated as UGS. However, any future proposals would have to be considered on their merits bearing in mind all material factors. In this case, I have judged the balance falls in favour of granting permission because the adverse impacts would not significantly and demonstrably outweigh the benefits. That judgement is specific to this proposal and would not necessarily be the same if applied to other cases.

Conditions

54. I have reviewed the suggested conditions in the light of the discussion at the Inquiry and advice in the PPG. Where necessary, I have reworded them for clarity and simplicity, and have also amalgamated some of the conditions to avoid duplication.
55. A commencement condition is necessary to comply with the relevant legislation. A condition requiring compliance with the submitted plans is necessary for certainty. Conditions relating to: materials, boundary treatments, finished site levels, landscaping implementation & management, tree protection (including removing permitted development rights at certain plots where protected trees are in close proximity to dwellings), and biodiversity habitat enhancement are all necessary to ensure these matters are properly dealt with and to ensure a high quality scheme.
56. A condition relating to noise attenuation in the dwellings nearest to Moorside is necessary to ensure satisfactory living conditions for future occupiers. Conditions relating to drainage and land contamination are required to ensure these matters are appropriately addressed. A condition requiring electric vehicle charging points is necessary to encourage sustainable transport.

Conditions requiring the provision of further details in respect of the two access roads from Moorside / Pearson Street and New Lane respectively are necessary in the interests of highway safety and to ensure a satisfactory form of development. These details relate to parking, visibility splays, footways, surfacing & drainage, lighting, and refuse / recycling storage and collection points. A number of the conditions relate to pre-commencement activities. In each of these cases, the requirement of the condition is fundamental to make the scheme acceptable in planning terms.

57. For the reasons above, and subject to the conditions in the schedule, the appeal is allowed.

Matthew C J Nunn

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - i. Location Plan: 0200-0100
 - ii. Proposed Site Layout Plan: 0200-0201 Rev Q
 - iii. Access Arrangement: Pearson Street / Moorside 873 01 Rev F
 - iv. Turning Head Swept Path: 873 02
 - v. Turning Head Swept Path: 873 03
 - vi. Visibility Spays: 873 04
 - vii. Proposed Sections: 0200-0251 Rev A
 - viii. Proposed Streetscenes: 0200-0252 Rev A
 - ix. Landscape Masterplan: 0200-0700 Rev H
 - x. Landscape Detail: 0200-0701 Rev G
 - xi. Landscape Detail: 0200-0702 Rev F
 - xii. Landscape Detail: 0200-0703 Rev D
 - xiii. Barcelona / Madrid: Floor Plans (14)
 - xiv. Barcelona / Madrid: Elevations (13)
 - xv. Milan (Moorside Rd): Elevations & Floor Plans (12)
 - xvi. Milan: Elevations & Floor Plans (12)
 - xvii. Naples: Elevations & Floor Plans (12)
 - xviii. Naples (New Lane): Elevations & Floor Plans (12)
 - xix. Pareti (Brick): Elevations & Floor Plans (11)
 - xx. Pareti (Stone): Elevations & Floor Plans (12)
 - xxi. Siena: Elevations & Floor Plans (10)
 - xxii. Siena (New Lane): Elevations & Floor Plans (10)
 - xxiii. Valencia: Elevations & Floor Plans (11)
 - xxiv. Valencia (New Lane): Elevations & Floor Plans (11)
 - xxv. Vienna: Floor Plans (11)
 - xxvi. Vienna: Elevations (10)
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

- 4) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatments to be erected. The boundary treatments shall be completed before the dwellings are first occupied in accordance with the approved details.
- 5) The landscaping works shall be carried out in accordance with the approved plans before the dwellings are first occupied, or in accordance with a programme agreed by the local planning authority; and any trees or plants which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the local planning authority gives written approval to any variation.
- 6) Before the development is first occupied a landscape maintenance & management plan, including long term objectives, management responsibilities and maintenance schedules for all landscaped areas, shall be submitted to and approved in writing by the local planning authority. The landscape maintenance & management plan shall be carried out as approved.
- 7) No site clearance, preparatory work or development shall take place until an arboricultural method statement (in accordance with British Standard BS 5837) for the protection of trees & hedgerows including appropriate working methods has been submitted to and approved in writing by the local planning authority. The method statement for the protection of retained trees & hedgerows shall be carried out as approved. In this condition retained trees & hedgerows means those to be retained in accordance with the approved plans.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking that Order with or without modification), no alterations or other works permitted by Classes A, B or E of Part 1 Schedule 2 of the Order shall be made to the dwellings within Plots 34, 35, 36 & 37.
- 9) No development shall begin until a biodiversity habitat enhancement scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include details of measures for encouraging biodiversity within the site, including potential locations for bird & bat roosting opportunities. The scheme shall be carried out as approved before the dwellings are first occupied, or in accordance with a programme agreed by the local planning authority. The measures identified within the scheme shall be permanently retained thereafter.
- 10) No development shall begin until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority (in addition to any assessment provided with the planning application). This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175, and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include: (i) a survey of the extent, scale and nature of contamination; (ii) the potential risks to human health, property (existing or proposed)

including buildings, crops, livestock, pets, woodland, service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, and archaeological sites and ancient monuments.

No development shall take place where (following the risk assessment) land affected by the contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out (and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority) before the development (or relevant phase of the development) is occupied.

Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

- 11) Construction work shall not begin on the dwellings at Plots 38 & 39 until a scheme for protecting them from road traffic noise from the A643 (Moorside) has been submitted to and approved in writing by the local planning authority. The scheme shall determine the noise climate and include details of the attenuation / design measures necessary to protect the living conditions of future occupiers. All works that form part of the approved scheme shall be completed before these dwellings are first occupied and shall be permanently retained thereafter.
- 12) Before the development is first occupied details of a scheme for electrical vehicle charging points shall be submitted to and approved in writing by the local planning authority. The scheme shall be carried out as approved before the dwellings are first occupied, or in accordance with a programme agreed by the local planning authority. The approved scheme shall be permanently retained thereafter.
- 13) The dwellings shall not be occupied until surface and foul water drainage works have been implemented in accordance with details that have been previously submitted to and approved in writing by the local planning authority. The works shall be permanently retained thereafter.
- 14) No development shall take place until full details of the finished levels, above ordnance datum, or the ground floors of the proposed dwellings, in

relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried in accordance with the approved levels.

- 15) Development served from Moorside / Pearson Road shall not take place until details of the following items have been submitted to and approved in writing by the local planning authority; and this part of the development shall not be occupied until those items have been constructed or implemented in accordance with the approved details, and they shall be permanently retained thereafter:
- i. A scheme of measures to manage on-street parking at the junction of Pearson Street & Moorside;
 - ii. Full details of visibility splays, including a tracking analysis to accommodate a refuse vehicle of a type specified by the local planning authority;
 - iii. Details of construction, surfacing, drainage and lighting relating to the Pearson Street & Moorside junction and the internal highway layout accessed from that junction;
 - iv. Details of waste refuse / recycling storage and collection points for the dwellings;
 - v. A scheme for the management of parking spaces Nos 1-6 for use by residents of Pearson Street & Moorside;
 - vi. Details of surfacing and drainage for the areas of private parking associated with the dwellings;
- 16) Development served from New Lane shall not take place until details of the following items have been submitted to and approved in writing by the local planning authority; and this part of the development shall not be occupied until those items have been constructed or implemented in accordance with the approved details, and permanently retained thereafter:
- i. Full details of visibility splays, including a tracking analysis to accommodate a refuse vehicle of a type specified by the local planning authority;
 - ii. Details of construction, surfacing, drainage and lighting relating to the New Lane junction and the internal highway layout accessed from that junction;
 - iii. Details of the footway along the site frontage with New Lane;
 - iv. Details of waste refuse / recycling storage and collection points for the dwellings;
 - v. Details of surfacing and drainage for the areas of private parking associated with the dwellings;

APPEARANCES

FOR THE COUNCIL:

Mr Alan Evans of Counsel

Instructed by Kirklees Council

He called

Ms Christina Lee

Landscape & Visual Matters, Kirklees Council

Mr Steven Wright

Planning Matters, Kirklees Council

FOR THE APPELLANT:

Mr Andrew Williamson &

Mr Josh Kitson

Instructed by the appellants

They called

Mr Eric Appleton

Highway Matters, Paragon Highways

Ms Pauline Randall

Landscape & Visual Matters, Randall Thorp

Mr Paul Bedwell

Planning Matters, Spawforths

INTERESTED PERSONS

Councillor Andrew Pinnock

Ward Member, Kirklees Council

Mr Colin Berry

Spenn Valley Civic Society

Mr Max Rathmell

Spenn Valley Civic Society

Graham Raisbeck

Local resident

Jacqueline Murray

Local resident

Peter Jones

Local resident

Stuart Johnson

Local resident

DOCUMENTS SUBMITTED AT THE INQUIRY

1. Gladman Developments Ltd v Daventry District Council & SSCLG [2016] EWCA Civ 1146
2. Suffolk Coastal District Council v Hopkins Homes Ltd & SSCLG; Richborough Estates LLP v Cheshire East Council & SSCLG [2016] EWCA Civ 168
3. Forest of Dean District Council v SSLG & Gladman Developments Ltd [2016] EWHC 421 (Admin)
4. R (on the application of Anne-Marie Loader) v Rother District Council & Churchill Retirement Living Ltd [2015] EWHC 1877 (Admin)
5. R (on the application of Anne-Marie Loader) v Rother District Council & Churchill Retirement Living [2016] EWCA Civ 795
6. Planning Practice Guidance: Open Space, Sports and Recreation Facilities
7. Additional Photograph - Proof of Evidence of Christina Lee
8. Kirklees District Landscape Character Assessment – Final Report, July 2015
9. Housing Sites within 1 mile of appeal site, produced by Spen Valley Civic Society
10. Appeal decision APP/A0665/A/2200583, dated 23 January 2014
11. Appeal decision APP/E5330/W/3129768, dated 26 May 2016
12. Note regarding effect of proposal on protected trees, by Jonathan Cocking
13. Appeal decision APP/Z4718/13/2201353, dated 18 December 2013
14. Comments of Mr Graham Raisbeck
15. Statement of Mr Colin Berry, Spen Valley Civic Society
16. Development view analysis from footpath SPE/92/10, Randall Thorp
17. Bundle of documents relating to highway matters, put in by Mr Raisbeck
18. List of draft conditions
19. Certified copy of Legal agreement, dated 15 December 2016
20. Statement of Compliance with Community Infrastructure Levy Regulations, dated 16 December 2016
21. Submission of Mr Graham Raisbeck, dated 16 December 2016
22. Opening Remarks & Closing Submissions on behalf of Kirklees Council
23. Opening and Closing Submissions on behalf of the appellants
24. Appellant's statement in response to Mr Raisbeck's Submission
25. Council's response to Mr Raisbeck's Submission

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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 27th March 2012, the Planning Practice Guidance Suite (PPGS) launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

REPRESENTATIONS

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

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

EQUALITY ISSUES

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

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

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: Louise Bearcroft

Tel: 01484 221000

Report of the Head of Development Management

STRATEGIC PLANNING COMMITTEE

Date: 02-Mar-2017

Subject: Planning Application 2016/92887 Erection of one dwelling and garage for use as bus depot and vehicle maintenance (within a Conservation Area) Star Coaches of Batley Ltd, 2, George Street, Batley, WF17 5AU

APPLICANT

Star Coaches Holdings
Ltd

DATE VALID

25-Aug-2016

TARGET DATE

24-Nov-2016

EXTENSION EXPIRY DATE

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: Batley East

No

Ward Members consulted

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Development Management in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

- 1.1 The proposal is considered to be acceptable in principle on this unallocated brownfield site. There would be no detrimental impact on highway safety. Planning conditions can adequately cover matters of noise and drainage.
- 1.2 The application is reported to Strategic Committee as the proposal is non residential and exceeds 0.5 ha in size.

2.0 SITE AND SURROUNDINGS:

- 2.1 The 0.68 hectare site comprises a former chemical works within a mixed use industrial / residential area roughly half a kilometre south of Batley town centre. The site has vehicular access from both Victoria Avenue to the west and from George Street to the east. The former buildings have now been demolished pursuant to an earlier prior notification application Ref 2013/93481 and the site has been used as a coach park for the last two years, with a small modular building on site which also serves as an office.
- 2.2 The site abuts New Ings Mill to the north, George Street to the north, and a raised wooded embankment to the south and west, beyond which are playing fields to the south and west. The site is unallocated on the Unitary Development Plan Proposals Map and falls within the Station Road conservation area.

3.0 PROPOSAL:

- 3.1 The application seeks permission for the erection of a garage; for use as a bus depot and vehicle maintenance for Star Coaches. Historically the company has operated from residential premises at 25 Talbot Street with

coach parking and garages to the rear. Permission is also sought for the erection of a dwelling to be occupied by the applicant for onsite management presence and security.

- 3.2 The proposed is to erect a 5 bay two storey garage building with ancillary offices in the south western portion of the site with a turning area and coach parking to the front of the building. The garage will be used to park and maintain / repair vehicles as well as for refuelling whilst the ancillary offices will function as the new day to day headquarters for Star Coaches. The building will be a steel portal frame construction with composite aluminium cladding in RAI 9006 Silver / Grey with a similar composite roof with powder coated, roller shuttered garage doors. The principle access would be from Victory Avenue, with a secondary access off George Street to serve an area of staff parking.
- 3.3 The proposed dwelling would be located directly off George Street and served by a separate access. The proposed dwelling would be of a substantial scale with a modern contemporary appearance, to be constructed of natural coursed stone, beige render and grey roof tiles.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2013/93481 – Prior Notification for demolition of de-commissioned chemical works and associated warehousing and offices (within a conservation area) – Demolition Details Approved

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Officers have negotiated with the agent for the following revisions:
- A revised house type to address the impact on the Conservation Area
 - Revised drainage details to address concerns raised by Yorkshire Water
 - Updated Acoustic Report to address the concerns raised by Environmental Services regarding the impact on residential amenity.

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). 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 2007) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 D2 – Unallocated Land
- BE1 – Design principles
- BE2 – Quality of design
- BE12 – Space about buildings
- T10 – Highway Safety
- G6 – Contamination

Supplementary Planning Guidance / Documents:

- 6.3 None

National Planning Guidance:

- 6.4 Chapter 1 – Building a strong competitive economy
- Chapter 7 – Requiring Good Design
- Chapter 10 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 11 – Conserving and Enhancing the Natural Environment
- Chapter 12 – Conserving and Enhancing the Historic Environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application was initially advertised by neighbour letter, site notice and press notice expiring 6th October 2016. One representation has been received from a resident in George Street. The main concerns raised are as follows:
- 7.2 “Concern Star Coaches reverse coaches up George Street and leave them in the road blocking George. No objections if access would not be from George Street”.
- 7.3 The amended house type has been subject to a period of re-advertising which expired on 20th January. No further comments have been received.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C Highway Services – No objections

The Environment Agency – No objections

8.2 **Non-statutory:**

K.C Environmental Services – No objections

Flood Management – No objections

K.C Conservation and Design – No objections

The Environment Agency – No objections

Yorkshire Water – No objections

9.0 **MAIN ISSUES**

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

10.0 **APPRAISAL**

Principle of development

- 10.1 The site is a brownfield site located within a mixed use area. The site has no specific allocation on the UDP Proposals Map. Policy D2 of the UDP 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]”. All these considerations are addressed later in this assessment. Subject to these not being prejudiced the proposal would be acceptable in principle in relation to policy D2 of the UDP.
- 10.2 At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development where local planning authorities should positively seek opportunities to meet the development needs of their area. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
- 10.3 Star Coaches operate a fleet of fifteen vehicles with eighteen employees. The proposal, on this site of a former chemical works, would support the continued expansion of this business, and make efficient re-use of a redundant brownfield site. The principle of development is considered to be acceptable.

Urban Design / Heritage issues

- 10.4 The site is located within the Station Road conservation area where in accordance with policy BE5 of the UDP proposals for development should contribute to the preservation or enhancement of the character and appearance of the area. Paragraph 131 of the NPPF states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets... and the desirability of the development making a positive contribution to local distinctiveness.
- 10.5 The proposed design of the garage is functional for its intended purpose and it is considered the proposed scale of the building would not be out of keeping within this mixed use commercial and residential area. The building would be screened from neighbouring properties off Victory Avenue by an existing mature tree line. The proposed facing materials would be satisfactory in keeping with and preserve visual amenity in accordance with policies BE1, BE2 and BE5 of the UDP, as well as chapter 7 of the framework.
- 10.6 The proposed detached dwelling is of a relatively substantial scale with a contemporary appearance. The proposal would satisfactorily relate to the character and appearance of the conservation area. The proposed construction materials of natural coursed stone, beige render and grey roof tiles are considered to be acceptable.

Residential Amenity

- 10.7 The surrounding area is of mixed use with residential properties located to the west of the site off George Street, to the east off Victoria Avenue, and to the south of the site off Taylor Street.

Noise Issues

- 10.8 The applicant has submitted an Acoustic Report. The existing office of Star Coaches is 25 Talbot Street and the company operate 24 hours a day, seven days a week. Within the supporting information it is noted the peak times are 06.30 - 09.00 Monday to Friday with approximately 8 coaches leaving the site, and 16.30 -18.00 when children require picking up. During week days there are also some private hire bookings, mainly for schools for educational day trips. The remaining vehicles are used for other private hire bookings. It is the intention to carry on with this operation.
- 10.9 Environmental Services support the application in principle. They raised concerns however, about the impact on noise levels of neighbouring properties, and future occupiers of the proposed dwelling.
- 10.10 The acoustic report makes an assumption that no more than 3no vehicles would be idling at any one time. Environmental Services are concerned that the report has not taken into account the worst case scenario, taking into account that there are at least 15 coaches on site. They are also concerned

that the intermittency of the noise has not been taken into account, and that if it had, the noise from the coaches idling would be above background levels on a night, which would fail to meet BS4142 and would have an adverse impact on the residents of George Street. Environmental Services have also raised concern that the noise from the maintenance building has not been fully addressed.

- 10.11 The applicant has confirmed that the company would be unable to operate with any restriction on a 24 hour use, and have confirmed, in accordance with the Acoustic Report, that there no more than 3 coaches idling at any one time between the hours of 22:00 and 06:00. To support this existing business and to prevent an unacceptable impact on residential amenity, it is considered reasonable to impose conditions that stipulate a maximum noise level at the boundaries of the site. This is to prevent an unacceptable impact on the amenity of residents off George Street, Taylor Street and Victoria Avenue. These conditions have been agreed with the applicant to ensure that they can still operate their business with these restrictions. Regard is also to be had to the previous use of the site which was an unrestricted commercial use and further commercial uses, such as storage and distribution or general industry could take place on the land again without restriction. The proposed use, which could generate some noise, can be conditioned to meet an accepted level, and therefore there is an overall improvement compared to the unrestricted historic use of the site.
- 10.12 The applicant also proposes to provide an acoustic screen at a height of 2.5 metres on the boundary of the parking area and the proposed dwelling to mitigate the impact on the nearest neighbouring properties off George Street. Calculations have been submitted in an addendum to the Acoustic Report and Environmental Services recommend that these mitigation measures are to be completed before the site is first brought into use.
- 10.13 With regards to the impact on the proposed residential property within the site, Environmental Services initially raised concern that noise levels to this property could not be mitigated to a satisfactory level that would avoid the need for occupation of the dwelling to be tied to the business. They were concerned the Acoustic Report only takes into account idling buses and not bus movements throughout the day, and that this is not an accurate reflection of what the noise climate would be.
- 10.14 As noted the Acoustic Report suggests mitigation in the form of an Acoustic Fence at a height of 2.5 metres to be erected between the boundary of the dwelling and the remainder of the site. Environmental Services are satisfied that the proposed mitigation measures are acceptable, subject to the fencing being provided in accordance with the recommendations of the acoustic report.
- 10.14 Subject to conditions, it is considered noise issues can be satisfactorily addressed.

Other Issues

10.14 In respect of the impact arising from the proposed siting of the dwelling and positioning of habitable room windows, the nearest residential properties include No.29 George Street which has 2 non habitable room windows on the side elevation, and the rear of properties off Talbot Street. It is considered there would be no loss of privacy or overbearing impact on these neighbouring properties in accordance with policy D2 of the UDP.

Landscape issues

10.15 The dwelling would be contained within its own curtilage, otherwise there would be minimal landscaping to the wider site. A condition will be imposed asking for a landscaping scheme and details of boundary treatment associated for the proposed dwelling.

Highway issues

10.16 Policy T10 of the UDP states that “new development will not normally be permitted if it will create or materially add to highway safety or environmental problems . . .”

10.17 Highway Services consider the proposed dwelling is satisfactorily segregated from the rest of the operational site and as such there are no concerns regarding vehicular and pedestrian conflict with the operational element of the site. The level of parking is appropriate and in accordance with the maximum adopted standards prescribed within the UDP. As such the proposed residential access is adequate and supported.

10.18 With regards to the operational element of the proposal, the proposed site is suitable in terms of its existing access and previous B2 use to accommodate the modest level of traffic associated with the proposal and its ability to accommodate full size coaches. Adequate turning facilities exist on site for full size coaches. It is considered the proposed development will not significantly impede the safety and efficiency of the adjoining highway network. There would be no detrimental impact on highway safety and the proposal would accord with policy T10 of the UDP.

Drainage issues

10.19 The NPPF sets out the responsibilities for Local Planning Authorities determining planning applications, including flood risk assessments taking climate change into account and the application of the sequential approach.

10.20 Flood Management raise no objections in principle but recommend that a full scheme is submitted via condition. An interceptor will also be required given the nature of the business.

10.21 Yorkshire Water has no objection in principle to the proposed separate systems of drainage on site and off site, the proposed amount of domestic

foul water to be discharged to the public combined sewer, and the proposed point of discharge of foul water to the public sewer.

Representations

10.22 One representation has been received. In so far as the comments have not been addressed above.

10.23 Concerns regarding Star Coaches reversing coaches up George Street and leaving them in the road blocking George. No objections if access would not be from George Street.

Response: Access to the coach parking area will be from Victoria Terrace with a secondary access from George Street. Highway Services are satisfied that the proposed site is suitable in terms of its existing access points to accommodate the modest level of traffic associated with the proposal.

Other Matters – Contaminated Land

10.24 The application is supported by a Contaminated Land Report by Ian Farmer Associates Ref 2150. Environmental Services broadly agree with the majority of the findings, however, the report acknowledges that there has been no testing of soils in part of the site. To determine what suitable mitigation is required to support the proposed residential use, they recommend that the required testing and analysis be done before development commences. This can be addressed through submission of a Phase II Contaminated Land Report.

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. This application has been assessed against relevant policies in the development plan and other material considerations and it is considered the proposal would constitute sustainable development.

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

1. Timescale for development
2. Development in accordance with approved plans
3. A scheme detailing arrangements and specification for layout and parking
4. A scheme detailing the design and construction of all retaining walls and building walls supporting the adjacent highway.
5. A scheme detailing foul and surface water drainage

6. No pumped surface water discharge from site to local drainage networks.
7. A scheme detailing the treatment of surface water flows from parking areas and hardstanding's through an oil interceptor.
8. Phase II Contaminated Land Report
9. Remediation Strategy
- 10 Implementation of Remediation Strategy
11. Validation Report
12. Landscaping Plan / details of boundary treatment (dwelling)
13. The development shall be carried out in accordance with the Acoustic Report J2526-R3-RR and all mitigation measures shall be completed before the site is first brought into use.
14. The LA1(15 min) from the site shall not exceed 60dB on street outside 29 George Street between 11.00pm and 7.00am when measured at typical first floor bedroom level. The LAmax from the site shall not exceed 70dB on street outside 29 George Street between 11.00pm and 7.00am when measured at typical first floor bedroom level.
15. The 1 hour LAeq from the site shall not exceed 37dB on the street outside 29 George Street when measured at typical first floor Bedroom level between 11.00pm and 7.00am.
16. The 1 hour LAeq from the site shall not exceed 37dB on the street outside 29 George Street between 11.00pm and 7.00am.
17. The 1 hour LAeq from the site shall not exceed 44dB on the street outside the site entrance on Victoria Avenue when measured at typical first floor Bedroom level between 11.00pm and 7.00am.
18. The 1 hour LAeq from the site shall not exceed 43dB on the street outside the site entrance on Victoria Avenue.
19. The LA1(15 min) from the site shall not exceed 60dB on street outside the entrance on Victoria Avenue between 11.00pm and 7.00am when measured at typical first floor bedroom level.
20. The LAmax from the site shall not exceed 70dB on street outside the site entrance on Victoria Avenue between 11.00pm and 7.00am when measured at typical first floor bedroom level.
21. The 1 hour LAeq from the site shall not exceed 45dB on the street outside 197 Taylor Street between between 11.00pm and 7.00am.

22. The LA1(15 min) from the site shall not exceed 60dB on street outside 197 Taylor Street between 11.00pm and 7.00am when measured at typical first floor bedroom level.

23. The 1 hour LAeq from the site shall not exceed 43dB on the street outside 197 Taylor Street when measured at typical first floor bedroom level between 11.00pm and 7.00am.

24. The LAmax from the site shall not exceed 70dB on street outside 197 Taylor Street between 11.00pm and 7.00am when measured at typical first floor bedroom level.

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f92887>

Certificate of Ownership –Certificate A signed

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Originator: Adam Walker

Tel: 01484 221000

Report of the Head of Development Management

STRATEGIC PLANNING COMMITTEE

Date: 02-Mar-2017

Subject: Planning Application 2016/93428 Part demolition of existing mills and erection of 48 dwellings and 16 apartments. Re-use of existing mill building and alterations to form workshop, car storage, restaurant, function suite and ancillary office space and formation of car park. Conversion of mills to hotel and offices (Listed Building) Washpit Mills, Choppards Lane, Cartworth Moor, Holmfirth, HD9 2RD

APPLICANT

Rob Cooke

DATE VALID

27-Oct-2016

TARGET DATE

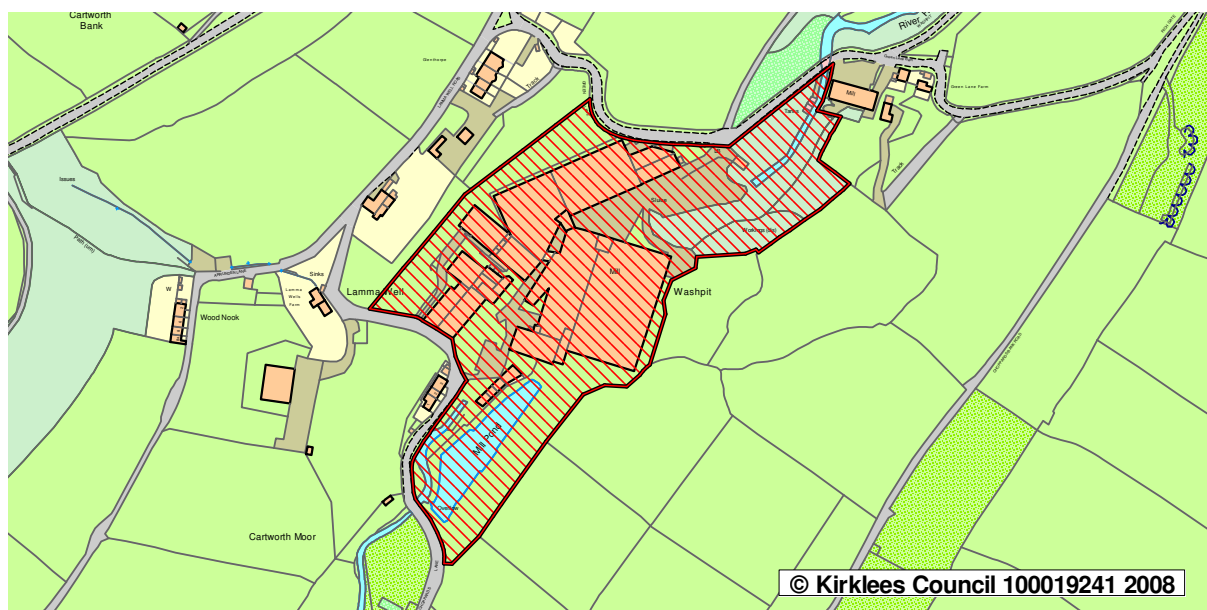
26-Jan-2017

EXTENSION EXPIRY DATE

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:

Holme Valley South

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION:

This recommendation is subject to the jurisdiction for the decision-making power remaining with the Local Planning Authority and not the Planning Inspectorate given that an appeal against non-determination has been lodged but is not currently valid. In the event that the determination of the application rests with the Planning Inspectorate then the LPA will inform the Planning Inspectorate that the Local Planning Authority would have approved the application subject to the matters listed below had its determination remained within its remit subject to those matters detailed above.

Delegate approval to the Head of Development Management in order to complete the list of conditions including those contained within this report and subject to the resolution of the matters listed below and subject to the completion of a S106 for the following matters:

- 1 flood risk and drainage issues
2. The submission of further highways information as detailed in the report
3. S106 obligation: Financial contribution towards local education provision (£185,391).
4. S106 obligation: Mechanism for the management of the public open space within the site
5. S106 obligation: Future maintenance and management arrangements for the culverted watercourse within the site (River Ribble)

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 the Strategic Committee because of the scale of the development, in accordance with the delegation agreement.
- 1.2 The Council has recently received notification that an appeal against the non-determination of the planning application has been lodged with the Planning Inspectorate. It has however been confirmed that the appeal is invalid because there is outstanding information that the applicant must provide. Once the information is submitted to the Planning Inspectorate the appeal will go through their validation process. The Inspectorate will also consider a request from the applicant to hold the appeal in abeyance whilst negotiations with the council continue and the application is considered by the Strategic Committee.
- 1.3 In light of the above it is unclear at this stage whether the jurisdiction for the decision-making lies with the Local Planning Authority (LPA) or the Planning Inspectorate. The recommendation therefore reflects this situation. Should the appeal not proceed then the determination of the application will remain within the LPA's remit. However, if the Planning Inspectorate inform the LPA that there is a valid appeal against non-determination then the Inspectorate will assume the power to determine the application and the LPA will be required to inform the Planning Inspectorate what decision it would have made. A resolution from the Strategic Planning Committee is therefore sought on this basis.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site comprises of approximately 3.5 hectares of land located within a steep sided valley. There are significant changes in levels across the site.
- 2.2 The site is a former textile mill which ceased operating in December 2015 and comprises a range of buildings and hardstanding areas. There is a mixture of building styles and scales on the site, including a listed building, stone mill buildings and warehouse type buildings.
- 2.3 There is a culverted section of the River Ribble running through the site, a mill pond in the south west part of the site and an area of trees to the north east.
- 2.4 The site is bound to the north by Green Lane which links to Washpit New Road. To the south is Choppards Lane.
- 2.5 The site lies within the Green Belt. To the south east are fields which slope up the valley side to Choppards Bank Road. To the northwest are a variety of properties along Lamma Well Road with sloping fields beyond.

3.0 PROPOSAL:

- 3.1 The proposal is for a mixed use development comprising of new and converted residential units and conversion of existing buildings to form workshop, car storage, restaurant, function suite, hotel and offices.
- 3.2 A total of 64 residential units are proposed, comprising new build townhouses and cottages in place of existing buildings and 16 apartments formed from converting one of the retained non-listed mill buildings.
- 3.3 One of the large mill buildings (northlight sheds) would be retained and modified to form a mixed use car workshop and car storage/display space with associated restaurant, function suite, shops and ancillary offices.
- 3.4 The hotel would be accommodated in the converted and extended listed building. The hotel would have 23 bedrooms and would incorporate a small health spa (pool, gym, sauna, steam room, treatments rooms) as well as a conference room.
- 3.5 A link extension would be constructed off the listed building (hotel) to an existing mill building to the south west which would be used for offices.
- 3.6 A total of 218 parking spaces are proposed. Car parking areas are provided for the non-residential uses along with dedicated parking for the proposed dwellings.
- 3.7 Vehicular access to serve the site is proposed via a central access road running between Green Lane and Choppards Lane with a separate access serving part of the residential development (15 houses) from Choppards Lane and a further separate access serving a 30 space overspill car park for the workshop/car storage/restaurant/function suite use off Green Lane.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Linked Listed Building Consent application:

2016/93429 Listed Building Consent for extensions and alterations to form hotel and offices – Undetermined

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The applicant amended the proposals during the course of the application. Part of the original scheme was for a series of workshop units within one of the large existing buildings but following an agreement with a local business (The Carding Shed, Hepworth) to relocate to the site the application was amended to reflect the specific aspects of this business. The Carding Shed encompasses The Oil Can Café, I.K. Classics (classic car restoration/maintenance and short term car storage) and shops selling vintage clothing and memorabilia.

- 5.2 The above changes to the scheme involved retaining part of the workshop building as ancillary office space and consequently relocating a car park towards the front of this building with extra parking spaces provided (facilitated by deleting a proposed detached house). A proposed extension to the rear of the workshop building has also been omitted and the rear parking area enlarged. In addition there have been changes to the alterations to the principal elevation.
- 5.3 As a consequence of The Carding Shed relocating to the site, a restaurant that was originally proposed to be formed within an existing mill building and linked to the hotel is now proposed to become offices.
- 5.4 Alterations to block F (row of 9 townhouses) have been secured to improve their appearance and reduce encroachment into the Green Belt. Alterations to Block A (row of 9 townhouses) have also been secured to reduced its massing.
- 5.5 A meeting was held with officers, the applicant, applicant's representative and Cllr Nigel Patrick on 9th December 2016. The purpose of the meeting was to discuss the proposals and the main issues arising from the development. The owner of The Carding Shed was also present and it was indicated that an agreement in principle had been reached between the applicant and The Carding Shed for the business to relocate. The application had not been formally amended at the time of the meeting.
- 5.6 Councillor Patrick was supportive of the principle of regenerating the site, retaining a local business and providing a hotel in this area. Councillor Patrick however also raised concerns around the highway impacts, particularly in relation to additional traffic on the local road network. Cllr Patrick suggested that the developer should consider what improvements could potentially be made to mitigate this.
- 5.7 Councillor Patrick also raised the issue of drainage and the importance of ensuing this is dealt with properly. Other points raised were the use of good quality materials, potential impact of noise from The Carding Shed (bar/restaurant/function suite) on occupiers of proposed dwellings and end users being self-sufficient in terms of road gritting.
- 5.8 The applicant supplied an updated Drainage Statement which included identification of an underground culvert. The accurate plotting of this culvert will require 3 dwellings to be removed from the scheme which are currently located above the line of the culvert. The applicant has confirmed they will remove these plots and revised plans are awaited. Members will be updated on the revised plans via the Update to Committee report process.

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). 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 2007) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 The site lies within an area of designated Green Belt on the UDP Proposals Map. A small area in the middle of the site is identified as an archeological site.

BE1 – Design principles
BE2 – Quality of design
BE11 – Materials
BE9 – Archaeological value
BE10 – Archaeological evaluation
BE12 – Space about buildings
BE23 – Crime prevention
T10 – Highway safety
T16 – Safe pedestrian routes in new developments
T19 – Parking standards
B1 – Employment needs of district
B4 – Premises and sites with established use for business and industry
H1 – Housing Needs of district
H18 – Provision of open space
G6 – Land contamination
NE9 – Retention of mature trees
EP4 – Development and noise
EP11 – Landscaping and ecology
S1 – Town Centres/Local Centres shopping

National Planning Guidance

Core planning Principles
NPPF Chapter 1 Building a strong, competitive economy
NPPF Chapter 2 Ensuring the vitality of town centres
NPPF Chapter 3 Supporting a prosperous rural economy
NPPF Chapter 4 Promoting sustainable transport
NPPF Chapter 6 Delivering a wide choice of high quality homes
NPPF Chapter 7 Requiring good design
NPPF Chapter 8 Promoting healthy communities

NPPF Chapter 9 Protecting Green Belt land
NPPF Chapter 10 Meeting the challenge of climate change, flooding and coastal change
NPPF Chapter 11 Conserving and enhancing the natural environment
NPPF Chapter 12 Conserving and enhancing the historic environment

National Planning Guidance:

6.3 Planning Practice Guidance – Planning Obligations

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was originally advertised by site notices, press advert and neighbour notification letters. Following changes to the proposals the application was re-advertised by site notices and letters to neighbours and interested parties. A total of 51 representations have been received in response to the publicity. Four of these representations are in support of the application and the remainder either oppose the application or not do object to the principle of redeveloping the site but raise a number of specific concerns.

A summary of the concerns/objections raised is provided as follows:

Highways:

- Local road infrastructure unsuitable
- Highway improvements needed
- Traffic congestion
- Highway safety
- Inaccessible location
- Traffic impacting on air quality
- Footpath link should be provided across site from the POS to existing footpaths to the southwest
- Right of way should be provided through site
- Increased pressure on parking in Holmfirth
- Traffic assessment flawed

Character and amenity:

- Detrimental impact on the character of the area
- Harmful to visual amenity of the area
- Concerns with use of blue slate
- New buildings should not exceed height of existing mill
- Development should respect rural character
- Detrimental impact on the heritage of the site and its contribution to the surrounding area
- Commercial uses inappropriate for this site
- Scale of development is excessive
- Overdevelopment
- Noise and nuisance

- Light pollution

Other matters:

- Development will exacerbate flood risk issues in this area
- Impact on drainage infrastructure
- Culvert should revert to being opened up
- Impact on biodiversity/wildlife
- Impact on local facilities and services, including schools
- Publicity of application

7.2 **Holme Valley Parish Council** (comments in response to scheme as originally submitted) – “Support the application although Members have highways concerns. Any established rights of way to be maintained as far as possible”.

8.0 **CONSULTATION RESPONSES:**

8.1 **Statutory:**

Environment Agency – The sequential and exceptions tests need to be applied to the new build elements of this development where they fall within Flood Zones 2 and 3. No objection to the revised FRA subject to detailed technical assessment of flood risk by the council as Lead Local Flood Authority. Specific concerns raised with the proposed layout in terms of building over the culvert.

KC Highways – No objections in principle. Parking provision is below UDP maximum standards and justification for levels provided is required. Further clarification and assessment required for trip generation for The Carding Shed and residential elements.

8.2 **Non-statutory:**

KC Environmental Health – No objection subject to conditions.

KC Flood Management & Drainage – There should be a sequential approach to site layout. Object to development where it is built over the culvert. Adequate stand-off distances need to be applied to the culvert. Further information required in terms of the condition of the culvert and mill pond as well as investigation of mill race and tributaries just outside the site.

KC Ecology Unit – The proposals relating to Block E (The Carding Shed premises) do not give rise to any significant implications however a biodiversity impact and mitigation strategy needs to be agreed and implemented for the remaining buildings on site before any works to these buildings are carried out. New planting close to the mill pond will supplement and strengthen the existing wildlife corridor along south eastern site boundary.

KC Trees Officer – No objections subject to replacement planting being provided within the site, adjacent to the mill pond.

KC Conservation & Design – Generally this is a well thought out development. Some concerns raised with the visual dominance of parking and design amendments recommended for aspects of some of the new buildings which have been secured.

Yorkshire Water – No objection subject to conditions

KC School Organisation & Planning – Contribution of £185,391 towards local school place provision required.

KC Strategic Housing – There is a need for affordable housing in this area.

WY Police Architectural Liaison Officer – No objections. Surveillance of car parking areas is required, in particular parking spaces that are remote from the dwellings to which they relate and parking spaces for customers and staff of the hotel.

9.0 MAIN ISSUES

- Principle of development
- Visual amenity and openness of the Green Belt
- Employment considerations
- Sequential assessment for main town centre uses
- Urban design issues
- Residential amenity
- Landscape issues
- Housing issues
- Highway issues
- Drainage issues
- Ecology issues
- Planning obligations
- Representations
- Other matters

10.0 APPRAISAL

Principle of development:

- 10.1 The site and its surroundings are washed over as Green Belt. The scheme involves the redevelopment of a brownfield site and the re-use and extension of existing buildings. Paragraph 89 of the National Planning Policy Framework (NPPF) allows for the redevelopment of previously developed sites where there would be no greater impact on the openness of the Green Belt and the purposes of including land within it. Paragraph 90 of the NPPF allows for the re-use of buildings provided that they are of permanent and substantial construction and their re-use does not conflict with the purposes of including land in Green Belt. Green Belt policy also allows for the extension of buildings provided that it does not result in disproportionate additions over and above

the size of the original building. The proposals are therefore acceptable in principle. An assessment of the impact on the Green Belt is provided in the following section of this appraisal.

- 10.2 Part 1 of the NPPF seeks to support sustainable economic growth through the planning system and part 3 of the NPPF promotes economic growth in rural areas, including through the conversion of existing buildings and supporting sustainable tourism. The scheme involves the relocation of a local business and the conversion of existing buildings to form new office space and a hotel. The overarching principle of the non-residential aspect of the proposed development is therefore consistent with parts 1 and 3 of the NPPF.
- 10.3 Part 6 of the NPPF seeks to deliver a wide choice of high quality homes and paragraph 49 records that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 14 of the Framework is clear that where the development plan is absent, silent or out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The council is unable to demonstrate a five year housing land supply and therefore housing policies are considered to be out of date. The presumption in favour of sustainable development is therefore engaged.
- 10.4 The development proposed will provide a mixture of new housing comprising apartments, two bedroom cottages and family townhouses which will help to boost the supply of housing in the district at a time of shortage. This weighs in favour of the development proposed.
- 10.5 Officers consider the principle of development to be acceptable.

Impact on the visual amenity and openness of the Green Belt:

- 10.6 The 48 dwellings as proposed comprise new buildings. The dwellinghouses and their curtilage would be predominantly contained within the footprint of existing buildings and structures and within areas of hardstanding. There is some encroachment by a small number of the properties that form block A and by the north eastern extent of block F as well as the rear gardens belonging to this row of townhouses but in both instances the extent of encroachment is limited and involves steeply sloping vegetated embankments which are subsequently contained by the levels of adjacent land which rise up.
- 10.7 The buildings that are to be demolished to make way for the houses are generally very substantial structures with extensive hardsurfacing around and consequently form expansive blocks of development. Having regard to the scale, mass and form of the proposed new buildings in comparison to that of the existing buildings that are to be demolished, officers are satisfied that the development proposed will have no greater impact on the openness and visual amenity of the Green Belt or the purposes of including land within Green Belt than the existing situation.

- 10.8 The buildings that are to be converted are all of permanent and substantial construction and their re-use would not conflict with the purposes of including land in Green Belt. The re-use of block E involves the enlargement of the developed part of the site at the rear of this building through the formation of an overspill car park but on balance this would not have any significant detrimental impact on the Green Belt given its location and the levels of surrounding land.
- 10.9 The proposed extensions are relatively minor in scale and would not result in disproportionate additions over and above the size of the original buildings that are to be extended.
- 10.10 In conclusion officers consider that impact on the Green Belt is acceptable and accords with the NPPF.

Employment considerations:

- 10.11 The existing site has an established industrial use. It was previously occupied by a carpet manufacturer (Westwood Yarns) however the company went into administration in December 2015 and the premises have subsequently remained vacant.
- 10.12 Policy B1 of the UDP aims to help meet the employment needs of the district and Policy B4 of the UDP sets out a series of criteria against which proposals for change of use of premises and sites with established use for business and industry will be considered.
- 10.13 The proposals involve some loss of land and buildings with established employment use however the scheme will allow for the relocation of an existing local business – The Carding Shed – which currently employs 55 staff and the company must vacate their existing premises in Hepworth by the end of June 2017. The proposals will therefore enable this existing business to remain within this part of the district.
- 10.14 The proposals also involve the creation of office space and a hotel within two of the existing buildings which will generate local employment opportunities.
- 10.15 The nature of the existing buildings together with the location of the site and its distance from the motorway network means that the site is not best suited to offer fit for purpose accommodation to meet modern employment needs. Whilst one of the buildings will be partly retained as a workshop, this is for a specific end user who is already based within the local area.
- 10.16 It is understood that following the previous owners of the site going into administration last year marketing of the site was undertaken by the receivers. Whilst details of the marketing are not known, the applicant's purchase of the site suggests that a new owner wanting to continue an industrial use could not be secured. The scale of the site, its rural location and the need for financial investment to bring many of the buildings up to standard are likely to have

been contributing factors to the lack of market interest together with the availability of other better located, better quality industrial premises.

- 10.17 Given that the scheme involves the retention of business uses on the site and considering the limitations of the site for modern industrial purposes it is considered that the application satisfies the aims of Policies B1 and B4.

Sequential assessment:

- 10.18 The proposals involve a number of elements that are classed as main town centre uses in the NPPF. These are the hotel (and its conference facility), offices and the restaurant and retail development associated with The Carding Shed.
- 10.19 The Council does not have any policies specifically relating to the location of hotels, offices, shops and restaurants although Policy S1 seeks to retain town and local centres as the focus of shopping, commercial, cultural and social activity.
- 10.20 Paragraph 24 of the NPPF states that “local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan”. The site lies approximately 1.6km to the south of Holmfirth town centre and is therefore an out of town location.
- 10.21 The NPPF says local authorities should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.
- 10.22 Relevant Planning Practice Guidance indicates that the application of the sequential test should be “proportionate and appropriate for the given proposal.”
- 10.23 In line with published guidance, a Sequential Assessment should be undertaken from the starting position that the application site is available, suitable and that the proposed quantum of leisure/recreation/tourism use is viable.
- 10.24 The scale of development is such that an impact assessment is not required (NPPF paragraph 26).
- 10.25 The applicant has provided sequential information in relation to a hotel and restaurant on the site (reflecting the application as originally submitted). Holmfirth is the nearest large town centre to the site and it is reasonable for the applicant to have limited their search for alternative sites to this centre.
- 10.26 The sequential information provided in respect of the hotel indicates that there are no sites considered to be suitable and available within Holmfirth town

centre, particularly when taking into account the need for long stay parking with a hotel. Officers accept the applicant's conclusion on this matter.

- 10.27 The Carding Shed business involves a café/restaurant, function suite and a small number of shops along with the car maintenance and storage/display aspect. The business is currently located in a former mill in Hepworth and is required to vacate these premises by the end of June 2017. The owner has been searching for alternative premises and the application site has recently been identified as a suitable and available location, enabling the business to stay within the Holme Valley.
- 10.28 The business has a specific set of operational requirements including a large floor area and ample parking space for customers and staff. Whilst sequential information for the business has not been provided, officers accept that the scale and nature of the development are such that there are unlikely to be any sequentially preferable sites available. This is a niche business where the café/restaurant and shops are directly associated with the car element of the business and therefore it would not be reasonable to seek to disaggregate the different aspects of the business. The Carding Shed is also currently located in an out of centre location which further limits any potential for the vitality of any town or local centres to be harmed.
- 10.29 No sequential information has been provided in relation to the offices to the rear of the proposed hotel. It is however accepted that there is a need to bring about a viable use for this building that is compatible with the other uses proposed for the site. Offices would provide business and employment opportunities in this rural area, including occupiers of the residential element of the scheme. Economic growth in rural areas is supported by part 3 of the NPPF. Considering the overall benefits of the scheme it is considered that some modest office provision in this location is unlikely to significantly harm the vitality of Holmfirth town centre.
- 10.30 In conclusion officers are reasonably satisfied that there are no sequentially preferable sites for the main town centre uses proposed and the application site is therefore an acceptable location.

Urban Design issues

- 10.31 The development has taken opportunities to retain certain historic buildings which ensure that the context of the existing site is maintained. Equally the access points are as existing so providing a form that retains the established context of the development.
- 10.32 Block C and to a lesser extent Block A provide a sense of enclosure to Choppards Lane that was apparent during the use of the mill complex. The retention of Block E is welcomed, not just for its historical interest and the grounding of the development but it will form a visual stop when viewed from the Choppards Lane entrance; this is accentuated by the curve of the access road.

- 10.33 The design approach to the new buildings involves a mixture of traditional and contemporary aspects. Amendments have been secured to the design of block F to simplify its appearance and the overall design is now considered to be acceptable. Traditional materials are to be used (natural stone and slate) which will help the development to harmonise with the existing buildings and wider character of the area.
- 10.34 It is accepted that parking within the site close to the points of access will be quite prominent however there is very little scope to conceal the parking areas and on balance the parking layout is acceptable from a visual point of view. Surface and boundary treatments will help to delineate these areas and mitigate the visual impact and details can be secured by condition.
- 10.35 Overall officers consider the proposals to be of good design which would sit comfortably within the context of the established site and its surroundings.

Heritage issues:

- 10.36 The development will bring about a viable use (hotel) for the vacant grade II listed building on the site which will help to sustain the significance of this designated heritage in the long term.
- 10.37 The extension and alterations to the building are acceptable in principle and would not lead to any substantial harm. These works are also subject to separate assessment under an associated application for listed building consent. The wider public benefits of securing a viable use for the building and the provision of a use that would facilitate the growth of tourism in the area with associated benefits for the rural economy weigh in favour of this aspect of the scheme.

Residential Amenity

- 10.38 The closest residential properties to the site are on Choppards Lane to the south west and Lamma Well Road to the northwest. The properties on Choppards Lane are set down from some of the neighbouring mill buildings and the properties on Lamma Well Road are all elevated in relation to the site.
- 10.39 These neighbouring properties are well separated from the proposed new build dwellinghouses with blocks A and C providing separation distances in excess of those required by Policy BE12 of the UDP. As such officers do not have any concerns with potential overlooking or overbearing effects.
- 10.40 Separation distances between proposed dwelling and proposed dwelling within the site predominantly comply with Policy BE12 standards. There is however a small number of instances where there is a shortfall in separation distances between habitable windows. These are:
- 20m between dwelling A1 and dwelling C1 (1m shortfall)
 - 20m between dwelling A4 and dwelling C4 (1m shortfall)

- 17.5m & 19m between part of dwelling A5 and dwelling (3.5m & 2m shortfall)
- 18m between dwelling A9 and rear of the apartment block (3m shortfall)

10.41 The shortfalls generally arise because of the design of blocks A and C which incorporate variation within the building lines and projecting architectural elements. In addition there are layout constraints brought about by Green Belt considerations.

10.42 Officers are satisfied that an acceptable standard of amenity would be provided and the future occupiers would be aware of the relationship before purchasing the properties. Furthermore it is considered that amendments to blocks A and C to increase separation distances would detract from the overall quality of the design. The separation distances are therefore accepted.

10.43 In terms of noise, officers are satisfied that the proposed non-residential uses are compatible with residential development and would not give rise to any significant implications. Hours of use and deliveries can be controlled by condition.

10.44 In terms of residential amenity impacts the application is considered to be acceptable.

Landscape issues

10.45 The main areas of landscaping within the site are the land designated as POS to the northeast and the mill pond area to the southwest. Both are significant areas of landscaping with the POS forming part of an existing copse of woodland that will contribute to the setting of the development. The mill pond is an attractive area that is set up from the listed building; there are some existing trees and additional tree planting to this area is recommended to compensate for the loss of trees that will occur to facilitate the construction of block F and to provide biodiversity mitigation.

10.46 Soft landscaping within the site is relatively limited although this is in keeping with the established character of the mill complex.

10.47 Careful consideration of the treatment of the external boundaries, retaining walls and the more sensitive parts of the site, such as around the listed building and along the access road, can be secured by condition.

Housing issues

10.48 The development will contribute to the provision of new housing at a time when the Council cannot demonstrate a 5 year housing land supply.

10.49 The development does not trigger a requirement for affordable housing provision because of the Vacant Building Credit. National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished

to be replaced by a new building, developers are offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when affordable housing contributions are calculated. In this case the floorspace of the existing buildings exceeds the floorspace of the new dwellings.

Highway issues

- 10.50 The existing site benefits from two points of vehicular access from Green Lane and Choppards Lane. The submitted Transport Assessment states that the site housed up to 700 staff in the past, however the most recent use of the site had around 150 staff.
- 10.51 The local highway network of interest comprises Green Lane, Dunford Road, Washpit New Road and Choppards Lane.
- 10.52 A full Personal Injury Accident search and assessment has been undertaken in regards to the local highway network surrounding the site. The assessment covers the most recent 5 year period and has found that no accidents were recorded within this time period. This office is satisfied that there are no existing accident trends that this development would likely exacerbate.
- 10.53 Vehicular access to serve the site is proposed via a central access road running between Green Lane and Choppards Lane with a separate access serving a modest element of residential use and a further access to the west from Green Lane serving the overspill car park for The Carding Shed. An internal access to the east of the main access road is proposed to serve a further residential element comprising 15 dwelling houses.
- 10.54 In total, the development is proposed to be served by 218 car parking spaces broken down as follows:
- 48 Houses – 82 Spaces
 - 16 Apartments – 16 spaces
 - Unit E (Restaurant, Workshop (B2) and 852sqm (B1) – 80 spaces
 - Unit L (Hotel and 581sqm (B1) – 40 spaces
- 10.55 In terms of the housing element of the scheme, the level of parking provided represents an under-provision of 14 spaces in regards to the maximum adopted standards as contained within the UDP. Further information is awaited from the applicant in respect of the justification for this shortfall.
- 10.56 Unit E is proposed to form The Carding Shed element of the scheme. Further information is awaited from the applicant in respect of trip generation and parking requirements for this business and justification for the parking level provided. Additional information is also awaited on serving arrangements.
- 10.57 In principle Highways Development Management do not have any objections to the scheme subject to the additional information required. An update will be provided prior to the committee meeting in respect of the above.

Flood risk and drainage issues

Sequential assessment:

- 10.58 Part of the site lies within Flood Zones 2 and 3 which have a medium and high probability of flooding. This is an area along the centre of the site and corresponds approximately to the line of the watercourse/culvert and also includes the mill pond. The remainder of the site is Flood Zone 1 (low probability).
- 10.59 New development should be steered towards areas at the lowest risk of flooding by applying a Sequential Test.
- 10.60 Some of the new build houses fall within Flood Zones 2 and 3 (much of blocks K, J and F).
- 10.61 The applicant has been asked to provide sequential test evidence to justify the new dwellings that fall within Flood Zones 2 and 3. It needs to be demonstrated that there are not any alternative sites that are reasonably available and appropriate for this housing within an area that has a lower probability of flooding.
- 10.62 If this is passed, a sequential approach should then be applied to the site layout. The new housing should first be located within the parts of the site with lowest probability of flooding.
- 10.63 If, following application of the Sequential Test, it is not possible for the development to be located in zones with a lower probability of flooding the Exception Test can be applied. For the Exception Test to be passed:
- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, and
 - a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 10.64 Sequential information has not been provided as part of the application and this has been requested from the applicant. An update on this issue will be provided to members prior to the committee meeting.

Flood risk:

- 10.65 Following further survey of the culvert in January 2017 the site plan now shows houses being built over the culvert (houses K6, K7 & J7). Building over the culvert is unacceptable because this would significantly compromise its long term integrity and raises issues with maintenance and liability. What is more, the applicant's FRA relies on the fact that the integrity of the culvert is maintained in order to mitigate flood risk to the development. Amended plans

have therefore been requested from the applicant that removes the three dwellings over the culvert. Plot J6 is immediately adjacent to the culvert and will need to be amended to provide an adequate stand-off distance. It has been confirmed that amended plans showing this change are to be submitted.

- 10.66 An amendment has also been requested to block F in order to provide greater stand-off distances to the culvert to limit loading and allow for maintenance. This will also reduce the amount of development within Flood Zones 2 and 3.
- 10.67 Further information has also been requested in relation to the condition of the mill pond and mill race in the context of managing flood risk as well as two tributaries outside of the site at Lamma Wells Farm and Green Lane which need to be assessed for their condition, route and potential overland flows in extreme events.
- 10.68 An update will be provided on these matters.

Drainage:

- 10.69 Officers accept the findings of the FRA in that sustainable drainage systems including infiltration techniques are unlikely to be suitable on this site.
- 10.70 The drainage scheme is for surface water to discharge to watercourse - this is the culverted watercourse that crosses the site i.e. culverted section of the River Ribble. This is acceptable in principle and follows the hierarchy of disposal.
- 10.71 An assessment of the capacity and condition of the culvert has been carried out and the FRA concludes that there is sufficient capacity within the culvert to contain the 1% annual probability flood event. Notwithstanding this information, officers consider that further assessment of the culvert's capacity and condition is required and this can be secured by condition.
- 10.72 Surface water will be attenuated on site to restrict the rate at which water enters the watercourse. The discharge rate will need to be agreed through a detailed drainage design scheme. The size of the attenuation will need to be agreed and will be influenced by the further assessment of the culvert's capacity.
- 10.73 Subject to the findings of the culvert condition survey, a schedule of repairs will need to be approved and carried out by way of condition. Long term maintenance of the culvert by a management company will need to be secured by S106.
- 10.74 Foul drainage will discharge to the public combined sewer crossing the site. Yorkshire Water have not raised any objections to this.

Ecology:

- 10.75 An ecological survey has been submitted with the application. Much of the site is of low ecological value although there are areas which do have significant value such as the areas of woodland and the mill pond and surrounding area. These features form part of a wider ecological corridor towards the site's south eastern boundary. In addition some of the buildings within the site have moderate to high bat roost potential. The habitat of a specific protected species is also identified within the site.
- 10.76 The main areas of the site which have ecological value are to be retained as part of the scheme – this is the area of trees to the north eastern corner of the site and the mill pond and surrounding area to the south west of the site. Some trees will be lost as part of the development although it is considered that this would not significantly harm biodiversity and can be compensated for by new tree planting adjacent to the mill pond which will help to supplement this part of the established ecological corridor.
- 10.77 The developer's priority is to enable The Carding Shed to begin operating from block E given the time pressure the business is under to relocate. This involves significant internal and external alterations to the building and the provision of parking areas. Works on this element of the scheme would not give rise to any significant ecological impacts and so there are no constraints in this regard to development commencing in this part of the site.
- 10.78 The Ecology Unit has however recommended that further survey work is carried out, particularly in relation to the potential for bat roosts within the buildings in the southern part of the site that are to be demolished. Following discussions between the Ecology Unit and the applicant's ecological consultant, officers are satisfied that a phasing arrangement can be agreed whereby no works to buildings other than block E take place until additional survey work has been carried out and all necessary mitigation measures have been agreed and implemented.
- 10.79 The proposed layout does not include development within the immediate area of the habitat of the separately identified protected species. The impact on this species will be modest with a relatively limited loss of foraging habitat. Whilst there would be a greater human presence on the site this in itself should not significantly compromise this species. The developer's responsibilities in respect of this species is controlled by separate legislation.
- 10.80 In summary the ecological impacts of the development are considered to be acceptable subject to the agreement of a phasing plan for the carrying out of development, further survey work and the implementation of the recommendations in the ecological report and other mitigation and enhancement measures to be informed by the additional survey work. All of these matters can be agreed by conditions.

Planning obligations

- 10.81 On-site POS is provided. The plans show an existing wooded area within the north eastern part of the site as being designated POS with a 'woodland walk' including footbridge crossing the river.
- 10.82 The size of the POS exceeds policy requirements. The topography and nature of this area does not lend itself to formalised play provision although it does provide an opportunity for 'natural play'. The footpath currently links to the car park and an amended plan has been requested to avoid this and provide a circular link instead. The nature of the POS provision is suitable for this rural area and will provide an attractive setting for the development.
- 10.83 An education contribution of £185,391 towards local school place provision required. The applicant has advised that they are agreeable to paying this figure provided that additional surface water attenuation is not required. The surface water attenuation will be agreed separately and if the applicant is unable to fulfil the education contribution at a later date then they will need to successfully demonstrate viability and seek to modify the S106 by way of separate application.

Representations

- 10.84 A summary of the representations received is provided at section 7. The main concerns are around the adequacy of the local road infrastructure and the impact of the development on traffic and highway safety. Highways Development Management raise no objections to the principle of development but further information is awaited in respect of parking provision, serving arrangements and trip generation associated with The Carding Shed.
- 10.85 One of the other main concerns is in relation to the impact on local services and in particular schools. The development triggers a contribution towards education provision at Holmfirth Junior and Infant School and Holmfirth High School.
- 10.86 The other main issues raised have been addressed within the relevant sections of this appraisal. In terms of the concerns over the adequacy of the publicity of the application, officers consider that the publicity has met the council's obligations.

Other Matters

- 10.87 Given the previous industrial activities at the site conditions are recommended to deal with land contamination matters.
- 10.88 Environment Agency records also show an authorised landfill is present on part of this site. A licence was issued in 1982 which was later transferred to the previous occupier (Westward Yarns Ltd). The licence permitted the disposal of up to 4,000 tonnes per annum of construction, demolition and excavation waste. The site has been closed with no disposal taking place for approximately 18 years. In 2006 a closure report was submitted by the

operator with various proposals for monitoring and ultimately the surrender of the licence. To date no monitoring reports have been received by the Environment Agency and the licence has not been surrendered. The last visit to the site was 4 years ago.

- 10.89 The Environment Agency considers the site is low risk based on the types of waste accepted when it was open, and also the length of time passed since it was operational. There may however be a possibility of land stability issues and potential issues relating to landfill gas and groundwater contamination. The deposited material should have been uncontaminated but without sampling and a thorough site investigation this cannot be confirmed as being the case. It is recommended that the implications of the landfill site are addressed by conditions.
- 10.90 A small area within the site is identified as a class II archaeological site. A search of West Yorkshire Archaeology Advisory Service records does not indicate any archaeological sites being present however a condition can be imposed if necessary.
- 10.91 There is not a definitive public right of way within the site although the council's PROW unit is in receipt of a definitive map modification order seeking the recording of a byway open to all traffic on the definitive map and statement of public rights of way. That application is separate to the consideration of this planning application and will be decided on the evidential merits of the case. It is to be noted however that the site layout provides an access road broadly in the same position as the existing access and this will continue to link Green Lane and Choppards Lane.
- 10.92 The PROW officer has recommended that the developer provides a financial contribution towards improvement of the local PROW network. This is to improve non-motorised transport connections towards Holmfirth and the wider locality. This would enhance the accessibility of the development, in accordance with guidance in the NPPF. A response from the applicant is awaited on this issue.
- 10.93 A condition regarding electric vehicle charging points is recommended in line with WYLES Planning Guidance.

11.0 CONCLUSION

- 11.1 The principle of the development is considered to be acceptable in terms of the redevelopment of this brownfield site within the Green Belt.
- 11.2 The scheme provides a number of benefits; the development will enable a prominent local employer to stay within this part of the district, it will provide other business and tourism uses that will benefit the local economy and it will deliver a mixture of high quality housing. The scheme also incorporates public open space and will provide a contribution to local education provision.

11.3 Subject to the provision of further information in relation to flood risk, drainage, highway matters and ecology officers are satisfied that the impacts of the development can be adequately mitigated.

11.4 The development would comply with relevant local policies and is considered to be sustainable having regard to the NPPF taken as whole.

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

1. Time limit condition
2. Development in accordance with approved plans
3. Approval of samples of materials
4. Restrictions on operating hours including deliveries of the Carding Shed (to be confirmed in the update report)
5. Surfacing of car parking areas and curtilage of non-residential uses
6. Boundary treatments
7. Detailed drainage scheme including culvert capacity and condition survey with schedule of repairs
8. Contaminated land and landfill measures
9. Archaeological investigation as may be necessary
10. Ecological survey work and mitigation
11. New tree planting

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f93428>

Certificate of Ownership – Certificate A signed.



Originator: Adam Walker

Tel: 01484 221000

Report of the Head of Development Management

STRATEGIC PLANNING COMMITTEE

Date: 02-Mar-2017

Subject: Planning Application 2016/92254 Erection of 24 dwellings Land off Colders Lane, Meltham, Holmfirth

APPLICANT

Mr Kelly, J P Wild Ltd

DATE VALID

06-Jul-2016

TARGET DATE

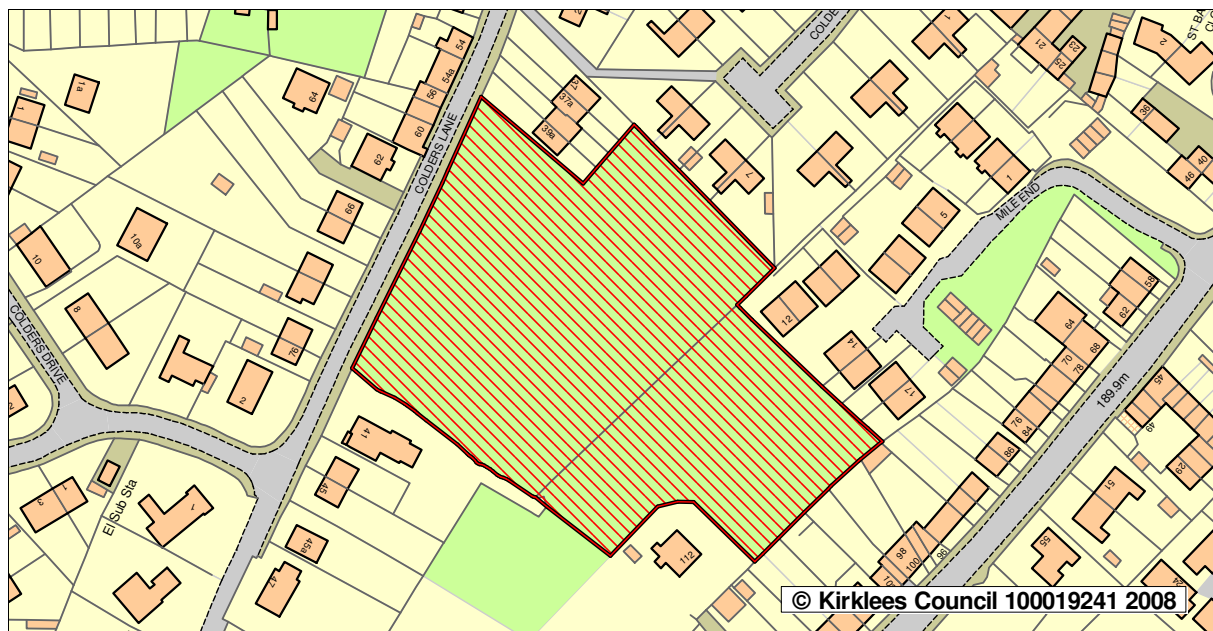
05-Oct-2016

EXTENSION EXPIRY DATE

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:

Holme Valley North

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Development Management in order to complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matters:

- 1. Public open space provisions including off site commuted sum (£64,400) and future maintenance and management responsibilities of open space within the site**
- 2. Off-site highway works for junction improvements as proposed in the application.**
- 3. Contribution towards a sustainable travel fund (£10,650)**
- 4. Overage clause to provide affordable housing in the event that the development value/profit exceeds that stated in the viability appraisal. In the event the development is less viable contributions 1 and 3 listed above would be reappraised.**

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 was deferred at the Strategic Committee meeting on 5th January 2017 because viability matters had not been fully concluded in respect of the level of affordable housing that the development could stand. The applicant had also queried some of the assumptions made by the District Valuer in relation to assessment of the abnormal costs associated with developing this site. Since this meeting the District Valuer has reported on these matters. The application is therefore brought back before the committee for determination.

- 1.2 The proposals are brought forward to the Strategic Committee for determination in accordance with the Council's Scheme of Delegation, as the application represents a departure from the provisions of the Development Plan.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site is approximately one hectare in size and principally comprises of a grass paddock with a smaller enclosed field to the southern part of the site. The land slopes gently in a north easterly and south easterly direction. The site lies in a residential area and is surrounded on all sides by housing which is of mixed type and design, including a row of listed cottages on the opposite side of Colders Lane.

3.0 PROPOSAL:

- 3.1 The application seeks full planning permission for the erection of 24 dwellings.
- 3.2 The dwellings predominantly comprise detached houses (18 in total) with two blocks of three no. terraced houses which are located towards the front of the site along Colders Lane.
- 3.3 Access for the development is off Colders Lane. The properties along the site frontage (8 no.) would have separate points of access and a new access road would serve the remainder of the dwellings.
- 3.4 Proposed facing materials are a coursed artificial stone and brick for the walls and artificial slate tiles to the roofs.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2012/90096 - Outline application for the erection of 27 dwellings – Approved by Sub-Committee 3rd April 2014 (Access & layout approved). Decision issued 31st December 2014.
- 4.2 1999/92545 - Outline application for the erection of residential development – Refused 5th November 1999 and appeal dismissed.

The application was refused for the following reason:

“The proposed road layout does not include a link road from Colders Lane to Wessenden Head Road contrary to Policy T9 and footnote 14 of Policy H6 (site ref 2.12) of the Unitary Development Plan. The residential development proposed would thus generate extra traffic on Colders Lane and on the highway network leading to Colders Lane. These roads are not of sufficient standard to cater for the extra traffic and the development would not be in the best interests of highway safety”.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The scheme has been revised during the course of the application in respect of the design of the dwellings along the site frontage in order to achieve a simpler appearance to these properties. The layout of the site has also been amended to increase spacing between some of the proposed dwellings and to increase the separation distances to some neighbouring properties. There have also been revisions to the highway layout and some of the parking.

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). 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 2007) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 The site is allocated for housing on the Unitary Development Plan Proposals Map.

BE1 – Design principles
BE2 – Quality of design
BE12 – Space about dwellings
BE23 – Crime prevention
D2 – General development principles
G6 – Land contamination
NE9 – Retention of mature trees
H1 – Housing needs of the district
H6 – Allocated housing sites
H10 – Affordable Housing
H18 – Provision of open space
T10 – Highway Safety
T19 – Parking Standards
EP11 – Ecological landscaping

Supplementary Planning Guidance / Documents:

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

National Planning Guidance:

6.4.1 The following parts of the NPPF are relevant:

Core planning principles
Chapter 4: Promoting Sustainable Transport
Chapter 6: Delivering a wide choice of high quality homes
Chapter 7: Requiring good design
Chapter 8: Promoting healthy communities
Chapter 11: Conserving and enhancing the natural environment
Chapter 12: Conserving and enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was initially advertised by neighbour letter, newspaper advertisement and site notice. Representations: 11 received

7.2 Representations summarised as follows:

General principle:

- Unsuitable location for new development
- Previous refusal of planning permission on the site
- Loss of Greenfield site

Highways:

- Impact of additional traffic on Colders Lane and local road network including the Station Street/Westgate junction
- Road network unsuitable to accommodate extra traffic
- Cumulative impact of this and other planned developments on local highway network
- Highway safety concerns
- A link road going to or from the development is not sustainable
- Concerns that there will be an increase in on-street parking along Colders Lane
- Some of the listed properties opposite the site do not have off-street parking
- Highways information submitted is misleading
- No provision of a Colders Lane-Wessenden Head link road

Amenity/character:

- Overlooking/loss of privacy
- Loss of open land/green space within Meltham; many other areas of open land have been built on. Detrimental impact on the character of the village.
- Housing would be intrusive/visual impact of housing/loss of view
- Noise pollution
- Loss of light

Drainage:

- Concerns with proposed drainage strategy
- Impact on drainage by loss of field
- Impact on existing drainage infrastructure

Other matters:

- Loss of grazing land
- Impact on coal mining features below the site.
- Concerns around ground instability; work may affect adjacent properties
- Impact on local infrastructure (schools, medical facilities etc)
- Site requires environmental protection
- Impacts arising from the construction of the development
- Questionable demand for housing in this area
- Negative impact on property values

7.3 Following an amendment to the site layout a neighbour letter was sent to an adjacent property that would potentially be affected by the change. No comments were received in response to this letter.

7.4 The application was subsequently re-advertised by site notice and press advert because the original publicity did not refer to the fact that the development represents a departure from the Unitary Development Plan. No further representations were received.

7.5 Meltham Town Council: - "The Council supports the application"

7.6 Ward councillor Greaves has confirmed an objection to the application on the grounds that "the link road to Wessenden Head that would relieve traffic from Mill Moor Road will not be provided and that the proposed development plan would significantly increase traffic flow in this narrow and congested area". In response to Councillor Greaves' comments, the issue of the link road and the overall impact of the development on the local highway network are addressed within the main report.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

8.1.1 K.C. Highways Development Management: - No objections subject to conditions

8.1.2 The Coal Authority:- No objection subject to conditions

8.1.3 The Environment Agency:- No comments received

8.1.4 K.C. Strategic Drainage: – No objections in principle. Awaiting further information on flood routing within the site.

8.2 **Non-statutory:**

8.3 K.C. Environmental Services: - No objection subject to conditions

8.4 KC Trees Section: - No objections

8.5 K.C. Landscape: – Off-site contribution of £64,400 is required towards existing provision and facilities in Meltham area. Potential for some on-site POS to be provided where the attenuation tank is located.

8.6 K.C. Environment Unit:- No objection subject to condition requiring a biodiversity management plan

8.7 K.C. Strategic Housing: – There is a need for affordable housing in this housing market area.

8.8 Yorkshire Water: - No objections subject to 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

Principle of development

10.1 The application seeks planning permission for 24 dwellings on land allocated for housing on the adopted development plan.

10.2 Outline planning permission for 27 dwellings on the site was approved by the Sub-Committee in 2014. Access (off Colders Lane) and layout were approved.

10.3 The principle of the development is accepted in accordance with the site's allocation and where the principle of residential development for a similar number of dwellings has already been established under the extant outline consent.

10.4 Paragraph 14 of the National Planning Policy Framework (NPPF) outlines a presumption in favour of sustainable development. For decision-taking this

means 'approving development proposals that accord with the development plan without delay'.

- 10.5 In respect of planning policies related specifically to housing in the UDP, consideration must be made as to whether these can be classed as 'up to date' following the publication of the NPPF. Paragraph 49 of the NPPF states that housing applications should be considered in the context of 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. At present, the Council is unable to demonstrate a five-year supply of housing land and therefore the provision of new housing to meet the shortfall is a material consideration that weighs in favour of the development proposed.
- 10.6 This site is considered to be greenfield (i.e. not previously developed). The NPPF encourages the effective use of land by reusing land that has been previously developed (Brownfield land) but it does not set out a 'brownfield first' approach to development (unlike previous planning policy).
- 10.7 Policy H6 (Site allocated for Housing) of the UDP is relevant to any proposals on the site and with this policy in mind the proposed development in principle would appear to be acceptable subject to there being no undue harm caused to visual or residential amenity, highway safety, the environment, or other material considerations. Under Policy H6 of the UDP, this site is identified for housing under site no. H2.12 and has an estimated capacity of 27 dwellings.
- 10.8 A footnote attached to this specific housing allocation states: "the internal road layout to provide a through link road between Colders Lane and Wessenden Head Road to be completed prior to the occupation of dwellings". The main policy basis for the requirement for the link road was Policy T9 of the UDP which identified a number of specific highway improvement lines across the district. The preamble to Policy T9 explicitly states that the link road between Colders Lane and Wessenden Head Road is required specifically to facilitate development on this housing allocation. However, Policy T9 was not saved in September 2007 because it was deemed to provide unnecessary detail of minor improvement lines.
- 10.9 The proposed site layout does not make provision for the safeguarding of a link road and, whilst there is no longer a direct development plan policy relating to the safeguarding of the improvement line, the UDP still includes reference to its provision within a saved policy – albeit as a footnote – and it therefore remains a material consideration. The need for a link road to facilitate the proposed development is covered in the 'highways' section of this assessment but under application 2012/90096 it was concluded that the link is no longer required to facilitate development of the site and it is considered that this remains the case.

Urban Design and heritage issues

- 10.10 Policies BE1 and BE2 of the UDP highlight the importance of achieving good design which is also a main objective set out in chapter 7 of the NPPF (requiring good design), with paragraph 56 stating that “the Government attaches great importance to the design of the built environment”.
- 10.11 The site is immediately surrounded by existing residential development of mixed type, age and design. This includes a terrace of Grade II listed cottages towards part of the site frontage.
- 10.12 The scheme mainly comprises reasonably well spaced detached properties with two small blocks of terraced houses towards the site frontage with Colders Lane. All of the dwellings are two storeys in height.
- 10.13 The design and layout of the scheme has been amended during the course of the application. This is so as to simplify the appearance of the properties along the site frontage so that the development sits more comfortably within the streetscene and better respects the character of surrounding development. For example, a dormer style window has been removed from plot 24 and the dwelling given a consistent ridgeline; canopies have been removed from plots 4 and 5 and replaced with a stone head and jamb, as well as on plot 11 which is relatively prominent because of its position in relation to the access road. Additional chimneys have also been added to the frontage properties to give a more consistent design approach in this respect. The applicant has sought to retain bay windows to plots 23 and 24 and on balance these features are considered to be acceptable, particularly because there are bay windows on some of the dwellings on the opposite side of Colders Lane.
- 10.14 Parking for plots 1-3 is within a shared courtyard arrangement to the front of these houses. It is important that the visual impact of this parking is softened, particularly given the proximity to the listed cottages opposite. It is proposed that the parking spaces would be enclosed by a 0.9m high rail fence with shrub planting behind and this would continue along the front of plots 4 and 5. Officers consider that a stone wall would be more in keeping in this location. The applicant has indicated that the provision of a wall would be dependent on this being practical given the proximity of an existing culverted watercourse that broadly follows the front boundary of the site. The applicant has agreed to provide a wall provided it would not be located over the culvert. If it is not feasible then the boundary treatment will have to revert to the original proposal. This matter needs further investigation and can be addressed by condition.
- 10.15 Appropriate surfacing of the parking courtyard would also help to soften the visual impact of this element of the scheme. The applicant has offered to provide paving to the shared surface with tarmac to the actual parking spaces. It is considered that a paved surface should be provided across the entirety of the courtyard to give a consistent appearance. This can be conditioned.

- 10.16 Off-street parking is provided to the front of plots 22-24 although this is broken up slightly by sections of stone walling which helps to mitigate the visual impact. Parking for plot 22 also includes a space to the side of the dwelling which is unobtrusive. Plots 4 and 5 are able to park well back from Colders Lane. Overall officers are generally satisfied that off-street parking would not be an overly dominant feature of the streetscene.
- 10.17 The general design of the dwellings is considered to be acceptable and provides variation throughout the development. The scale of the proposed dwellings (two storeys) is appropriate for the surrounding context. The layout allows for a reasonably spacious development that provides a sense of openness; this has been helped by an amendment to the site layout which has increased the spacing between some of the proposed detached dwellings. The area where the surface water storage tank is to be located would be soft landscaped and allows for a very spacious feel to the south eastern part of the site.
- 10.18 In terms of materials it is proposed to face a proportion of the dwellings in artificial stone and a proportion of them in brick. The eight properties along Colders Lane would be artificial stone. The applicant has confirmed agreement to using an artificial slate tile for the roofs.
- 10.19 There is a mixture of materials in the surrounding area although natural stone predominates in the immediate vicinity of Colders Lane (including the nearby listed cottages) with some artificial stone being present. Red brick is also prevalent within the wider area, including to the northeast boundary on Colders Green. In principle the use of a good quality artificial stone and brick is acceptable although the applicant was approached about using natural stone to the eight houses along the site frontage given the proximity of the listed buildings and predominance of natural stone on the properties on the opposite side of Colders Lane. In response the applicant provided a specification of the stone material they intend to use (Marshalls Cromwell rustic weathered) which they consider to be a good quality alternative to natural stone. On balance the proposed material is considered to be of sufficient quality to be acceptable and would preserve the setting of the listed buildings and would harmonise with the wider streetscene.
- 10.20 On issues of urban design officers are satisfied that the amendments to the scheme have made it acceptable. The development would also preserve the setting of nearby designated heritage assets. The application complies with Policies BE1 and BE2 of the UDP and guidance in the NPPF.

Residential Amenity

- 10.21 Policy BE12 of the UDP sets out the Council's policy in relation to space about buildings.
- 10.22 New dwellings should be designed to provide privacy and open space for their occupants and physical separation from adjacent property and land. Distances less than those specified in the policy will be acceptable if it can be

shown that by reason of permanent screening, changes in level or innovative design, no detriment would be caused to existing or future occupiers of the dwellings or to any adjacent premises or potential development land.

- 10.23 The proposed site layout is considered to provide acceptable separation distances between the new dwellings and surrounding residential properties.
- 10.24 An amendment to the scheme has been sought in order to mitigate the impact of the scale and mass of plot 14 on an adjacent bungalow (15 Mile End). This neighbouring property is set down slightly from the site and has a conservatory to its rear elevation which brings habitable accommodation quite close to the site boundary. Plot 14 has been moved further away from 15 Mile End allowing for 12.5m (approx.) and 15.5m separation distances between the gable end of plot 14 and the conservatory and original rear wall of 15 Mile End respectively. These separation distances, which exceed the minimum acceptable distances set out in Policy BE12, are on balance considered to be acceptable. There are no windows in the side of plot 14 and a condition can be imposed to restrict any windows in the future which will protect the privacy of the neighbour.
- 10.25 There has also been an amendment to plot 21 to increase the separation distance between habitable windows in the rear wall of this dwelling and 41 Colders Lane. Whilst there is an indirect relationship between these two properties the separation distance has been increased to achieve a minimum separation of circa 20m between habitable windows.
- 10.26 The separation distance between some ground floor dining room windows within plot 7 and the rear walls of 9 and 10 Colders Green is 20.5m which represents a shortfall of 0.5m in terms of Policy BE12 standards. This shortfall would not demonstrably prejudice amenity and in any event existing and proposed boundary treatment/planting would provide screening. It is to be noted as well that the neighbouring properties on Colders Green are set on a lower level than the application site with their rear gardens abutting the site boundary; plots 7-9 are however all well separated from the boundary with adjoining houses on Colders Green (minimum separation 12.5m).
- 10.27 The layout provides acceptable separation to all other existing properties surrounding the site. A restriction on the formation of windows in the side of plots 1 and 22 is recommended to prevent direct overlooking of adjacent property.
- 10.28 The proposed site layout generally meets the council's space about buildings policy (BE12) with respect to separation distances between the new dwellings within the site. There are a small number of instances where separation distances are not met, for example between habitable windows and blank gables/non-habitable windows but officers are satisfied that an acceptable standard of amenity would nevertheless be provided. There is also a fairly close relationship between main windows within plot 12 and plot 19 although this is mitigated by the orientation of the dwellings which gives an indirect relationship.

- 10.29 The site lies within a residential area and the scale of the development is such that it would not create, or be affected by, any significant air quality or noise issues, for example from traffic generation. Environmental Services has not raised any objections in this regard.

Landscape issues

- 10.30 Some open space is provided within the site where the attenuation tank is located but this is unlikely to provide any meaningful POS and essentially allows for an area of soft landscaping to be provided that helps to build-in a sense of openness to the development. It is envisaged that this area would principally be an area of grass or possibly a wildflower meadow with some potential for shrub or tree planting although it is important that the roots of any such planting do not damage the attenuation tank. A detailed scheme for the landscaping of this area can be secured by condition. It will also be necessary for the future maintenance and management responsibilities for this space to be agreed under the S106.
- 10.31 The layout shows some small ornamental trees to the front of some of the properties and small trees to be planted within the rear gardens of a number of the plots. Limited areas of shrub and hedge planting are also proposed. Whilst not extensive, the planting helps to soften the appearance of the development.

Housing issues

- 10.32 The proposal would bring forward a housing development on a housing allocated site that would boost the supply of housing in this part of the district. The quantum of development is considered to be appropriate for the size of the site and takes the opportunity for optimising the development potential of the land whilst still respecting the character of the surrounding area and the amenity of existing and future occupiers. In this regard the development is considered to be in accordance with the NPPF.

Highway issues

- 10.33 The site is situated to the southeast of Colders Lane in a predominantly residential area around 300 metres southwest of Market Place. Colders Lane is a residential access road, with a carriageway width of around 5.3 to 5.5 metres wide and footways to both sides. Colders Lane is lit to side road standards and is subject to a 30mph speed limit.
- 10.34 It is proposed to access the site from Colders Lane via a priority junction. Acceptable visibility splays are provided where the new junction meets Colders Lane (2.4m x 43m).
- 10.35 The properties along the site frontage take direct access from Colders Lane with the remainder accessed via the new estate road.

- 10.36 The internal layout takes the form of a residential estate road for the first 25m and leading to cul-de-sac which incorporates a turning head that is of sufficient size to accommodate a refuse vehicle.
- 10.37 Parking provision for the development is considered to be acceptable following an amendment to plots 9, 11, 14, 15 and 17 to 20. Acceptable gradients are provided across the site.
- 10.38 An assessment of the traffic generated by 27 dwellings on this site and the impact on the local highway network, including the Westgate/Station Road junction, was undertaken as part of the previous outline application. The current proposal is for three fewer dwellings and officers remain satisfied that the traffic generated can be accommodated on the local highway network without causing any significant adverse impacts.
- 10.39 The application proposes some minor improvement works around the junction of Colders Lane and Greens End Road and the junction of Greens End Road and Mill Moor Road. The works involve the provision of a 2m wide footway which help to improve visibility at the Colders Lane junction. These works were required as part of the previous outline application and are also considered to be necessary for the current scheme to make the development acceptable in highway safety terms. The works are to be secured via S106/planning condition.
- 10.40 As mentioned earlier in this report, a footnote attached this housing allocation requires the provision of a link road between Colders Lane and Wessenden Head Road (Improvement Line 496). As with the consented outline scheme, the current proposal does not include the provision of a link road between Colders Lane and Wessenden Head Road. This issue was considered in detail under the previous outline application whereby it was considered that based on current guidance it would be difficult to justify the need to provide the link road to facilitate development of this site. Officers therefore accept that the development is acceptable despite the link road not being provided.
- 10.41 In summary the application is considered to comply with Policies T10, T19 and BE1 of the UDP. A condition requiring remediation works to Colders Lane following the construction of the development is recommended along with a condition for a construction management plan and details of arrangements for the collection of waste. These conditions will help to mitigate the impact of the construction of the development on the local community and are required in the interests of highway safety and amenity.

Flood risk and drainage issues

- 10.42 The surface water drainage strategy for the development has been revised during the course of the application and it is proposed that all 24 properties will connect to an adjacent public sewer to the rear (south east) of the site via an attenuation tank. Water will discharge at a restricted rate. This is acceptable to Kirklees Flood Management and Drainage and Yorkshire Water have no objections to this.

- 10.43 The open space within the site where the surface water attenuation tank is located indicates a minimum ground level to provide sufficient cover. For clarity and in the interests of visual amenity it is considered that a condition is necessary requiring details of the maximum finished ground level for this area once the detailed drainage scheme has been designed.
- 10.44 A condition requiring details of temporary drainage during the construction is recommended to protect surrounding properties and local drainage networks.
- 10.45 There is a small watercourse that crosses the site from west to east and connects to Mile End. The watercourse is to be diverted and will connect to an existing watercourse in Colders Lane. The route has been designed to mitigate flood risk and is acceptable to Kirklees Flood Management and Drainage subject to a condition requiring a detailed scheme for these works. Restrictions on permitted development rights will also need to be imposed on plots 17, 18 and 19 to protect the diverted culvert in the future.
- 10.46 An amended drainage layout plan was submitted which has improved flood routing within the site. The site entrance has been lifted to fall towards Colders Lane and additional road gullies provided to catch surface water runoff; this is to reduce the risk to the proposed dwellings in the event that flood water flows down Colders Lane. As a consequence of this the finished floor level of plot 5 has been raised by 200mm. Plots 8 and 9 have also been raised by 150mm and 100mm respectively to better direct surface water runoff between the plots from the end of the private drive. The amendments have satisfactorily addressed previous concerns with flood routing that had been raised by Kirklees Flood Management and Drainage. It is considered that the increase in the floor level of plots 5, 8 and 9 is modest and would not have any significant impact on visual or residential amenity.
- 10.47 Officers are satisfied with drainage and flood risk matters subject to conditions. The application is therefore considered to comply with Policy BE1 (iv) of the UDP and chapter 10 of the NPPF.

Ecology issues

- 10.48 Ecology information has been submitted with the application which confirms that the site is of limited ecological value. As such the development would not give rise to any significant adverse ecological impacts. Biodiversity enhancement can be secured through conditions and officers consider that this should be aimed at providing appropriate bird nesting opportunities. Landscaping within the site should also comprise native species. Subject to conditions, the application is considered to satisfy Policy EP11 of the UDP and chapter 11 of the NPPF.

Contamination/coal mining legacy issues

- 10.49 Kirklees Environmental Services are satisfied with the information provided in respect of the ground investigations that have been carried out and have recommended conditions regarding details of a scheme for the remediation of the site.
- 10.50 The Coal Authority has been consulted and concurs with the recommendations of the submitted Coal Mining Risk Assessment information. Coal mining legacy potentially poses a risk to the proposed development and additional intrusive site investigation works and remedial works to treat the areas of shallow mine workings should be undertaken prior to development in order to address coal mining legacy issues on the site. This matter can be dealt with by conditions.

Representations

- 10.51 The main issues raised in the objections concern the principle of development, highway impacts, residential and visual amenity and drainage matters. All of these issues have been addressed within this report. Concerns have been raised in relation to the impact on local facilities and services such as schools and medical facilities; the development does not trigger an education contribution and the provision of medical facilities is a decision for medical providers, which is influenced by local population statistics. The other issues raised do not materially alter the assessment of the application.

Planning obligations

Affordable housing:

- 10.52 UDP Policies H10 and H12 together with the Council's Supplementary Planning Document set out the requirement for affordable housing.
- 10.53 Current Council guidelines specify that the Council aspires to secure 15% of the development floor-space for affordable housing on brownfield sites, and 30% of the development floor-space for affordable housing on greenfield sites. An interim affordable housing policy has however recently been adopted by the Council reflecting the draft Publication Local Plan Affordable Housing policies. The interim policy is based on the affordable housing policy in the emerging draft local plan and is therefore underpinned by up-to-date evidence of the viability of schemes within the District can likely afford where at least 20% of total dwellings on sites are allocated for affordable housing. This informal policy forms guidance where greater weight is afforded to the Interim Affordable Housing Policy than SPD2 and is a material consideration when determining planning applications.
- 10.54 The development exceeds the threshold for affordable housing provision and on this scheme the requirement would be five of the twenty-four units to be affordable (which equates to 20.8%).

- 10.55 Information on the viability of the scheme has been submitted with the application and this has been independently assessed by the District Valuer (DVS). The assessment concludes that the development is not viable with affordable housing provision. In arriving at this conclusion the DVS has reappraised the land value in light of the extant outline consent on the site and considered the 'abnormal' works which the developer has identified as being necessary to develop this site. These abnormal costs have been reviewed by a DVS quantity surveyor who has accepted these costs.
- 10.56 Officers accept the DVS conclusions on affordable housing.
- 10.57 The DVS has recommended that the council consider securing an overage clause which would mean that once the majority of the houses have been sold or let a calculation would be carried out to see if the scheme has performed better than the original expectation. In order to determine overage, towards the end of the project when around 75/80% of the units have been sold or let, a calculation to determine overage should be carried out to see if the scheme has performed better than the original expectation. Any excess sum would be shared with the council for it to provide affordable homes in this housing market area. In the interests of fairness this would have to work both ways and if the scheme does not perform as well as expected that the council would have to share the loss with the developer. Officers consider that this is a reasonable proposition and will potentially allow for some affordable housing provision. An overage clause can be secured through a S106. The wording of the overage clause is to be agreed with the applicant but as an example it might apply to any GDV or developer's profit above a pre-agreed amount, where the excess sum should be shared with the Council for use by it to provide affordable homes. The overage calculation should be facilitated by the developer/applicant acting in good faith and, where relevant, fully disclosing and justifying all relevant cost and revenue items in the development appraisal.
- 10.58 The DVS has advised that the scheme is viable with the public open space and sustainable travel fund contributions as set out below.

Public Open Space:

- 10.59 The site is over 0.4 ha and therefore triggers the requirement for the provision of public open space. No public open space is specifically being provided within the site and based on the number of dwellings an off-site contribution of £64,400 is required towards provision and facilities in the Meltham area. This money is to be secured via a planning obligation (S106) and this will also need to specify the site(s) where the money would be spent.

Education:

- 10.60 The number of dwellings proposed is below the threshold for an education contribution.

Sustainable travel fund:

- 10.61 Under the previous outline application a financial contribution was secured towards the provision of Metro Cards for the future occupiers of the development. It is considered that a similar contribution should be provided under the current application to enable the development to meet local and national sustainability objectives; the money would be used to fund sustainable travel incentives such as discounted residential Metro Cards, cycle purchase schemes, car sharing promotion and car club use. The contribution is £10,650 to be secured by S106.

Other Matters

Air quality:

- 10.62 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 principle of development is accepted on this allocated housing site where there is also an extant outline consent. The proposal represents a reduction in the amount of development in comparison to the outline scheme.
- 11.2 The layout, scale and design of the development would be in keeping with the character of the area and would preserve the setting of nearby designated heritage assets. Amendments to the scheme have made the impact on residential amenity acceptable.
- 11.3 The development would not prejudice highway safety and officers are satisfied that the site can be adequately drained.
- 11.4 The development provides benefits in terms of off-site public open space and some localised junction improvements.
- 11.5 The development complies with relevant local and national planning policies.

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

1. 3 year Time limit condition
2. Development in accordance with approved plans
3. Approval of samples of materials
4. Scheme for construction and specification of the access road

5. Scheme for off-site highway works at Colders Lane/Greens End Road junction
6. Construction management plan
7. Condition survey and remedial works to Colders Lane
8. Private parking spaces surfaced in permeable material
9. Surfacing of courtyard for plots 1-3
10. Landscaping scheme for area where attenuation tank is located (based on native plant species)
11. Restriction on windows being formed in the side walls of plots 1, 14 & 22
12. Detailed drainage scheme to be submitted and approved
13. Scheme for bird nesting opportunities
14. Provision of electric vehicle charging points
15. Remediation scheme for contaminated land
16. Intrusive site investigation report and remediation strategy to deal with coal mining legacy
17. Details of arrangements for collection of waste

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f92254+>

Certificate of Ownership – Certificate A signed.

Report of the Head of Development Management

STRATEGIC PLANNING COMMITTEE

Date: 02-Mar-2017

Subject: Planning Application 2016/94262 Erection of industrial development of suis-generis, B1 and B8 floorspace adj Neiley Garage, New Mill Road, Honley, Holmfirth, HD9 7AL

APPLICANT

Simon Rodgers,
Tetherdown Ltd

DATE VALID

17-Jan-2017

TARGET DATE

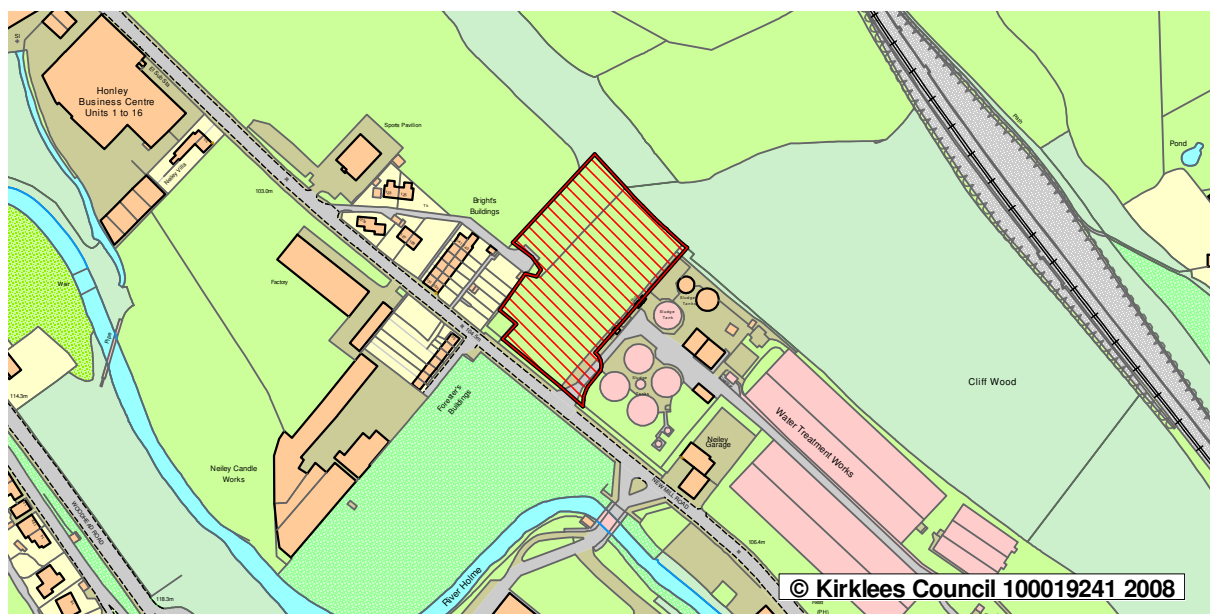
18-Apr-2017

EXTENSION EXPIRY DATE

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:

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Development Management in order to complete the list of conditions including those contained within this report.

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 application site boundary is for non- residential development over 0.5 hectares in size.
- 1.2 It is considered that the development is satisfactorily designed and, subject to the inclusion of planning conditions, would not have any significant effect on local amenity, the local environment or highway safety.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site is located to the north east of New Mill Road, Brockholes. The site measures 0.8ha in size and is currently a site of vacant semi-improved grassland. To the south east is the existing Neiley water works. To the north west of the site is a row of terraced houses and their rear garden areas which back onto the site. A football pitch which is part of the New Mill Road playing fields also shares the north western boundary of the application site. To the north east is a belt of mature woodland which rises up the escarpment. Members may recall a recent site visit (2nd February 2017 committee) to a planning application on the opposite side of the road at Former Brook Motors Sports Field, for the proposed erection of club house and re-instatement of football field Road (ref: 2016/93004).

3.0 PROPOSAL:

- 3.1 The proposal seeks full planning permission for the erection of two industrial units of Business (B1) and Storage/Distribution (B8) and suis-generis uses on land north east of New Mill Road, Brockholes. The proposal includes vehicle

parking and turning areas within the site and utilises the existing vehicular access to the adjacent water works site from New Mill Lane but proposes some modifications. This development represents a relocation of the existing Rogers Plant Hire Business from Woodhead Road in Honley and release the current depot for potential development. This part of the proposal classed as a suis-generis use.

- 3.2 The proposed Plant Hire Business will occupy the rear half of the site with areas of open yard space and car parking areas provided abutting the eastern boundary. The workshop will accommodate machinery employed with a portal framed shed both maintenance and cleaning bays. The front bay is to accommodate two floors with a ground floor trade counter and management offices and staff facilities above. The proposed speculative units towards the front of the site also involve portal framed construction with the aim of providing flexible accommodation.
- 3.3 The buildings proposed are the following sizes:
Speculative building 42mx22m (Main part of building)
Hire business building 31m x 21m

4.0 RELEVANT PLANNING HISTORY

- 4.1 Outline planning application for erection of industrial development (ref:2013/93959). Was approved on 16th October 2016.

5.0 PLANNING POLICY:

- 5.1 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). 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 2007) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 5.2 . BE1 – Design Principles
· BE2 – Quality of Design
· BE23 – Crime Prevention
. EP6 – Development and Noise

- NE4 – Sites of Wildlife Significance
- NE9 – Retention of Trees
- T10 – Highway Safety
- T19 – Parking Standards
- G6 – Contaminated Land
- D2 – Development on Land without Notation on the UDP Proposals

Draft Local Plan

- 5.3 The site is shown as unallocated in part and also as Waste safeguarding

National Planning Guidance:

- 5.4 National Planning Policy Framework:
- NPPF1: Building a strong, competitive economy
 - NPPF7: Requiring good design
 - NPPF8: Promoting healthy communities
 - NPPF10: Meeting the challenge of climate change, flooding and coastal change
 - NPPF11: Conserving and enhancing the natural environment
- 5.5 Other Guidance:
Planning Practice guidance Suite March 2014

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised by neighbour letter, press notice and site notice. As a result of that publicity 1 representation was received. The main concerns raised are summarised as follows:
- There does not appear to be any proposal for landscaping to screen the development along the southern boundary with New Mill Road
 - Development will have a strong impact on the housing in Forester's Buildings, to the opposite side of New Mill Road
 - The proposal to clad the buildings in a silver metallic finish means that they will stand out from, rather than blend into the surrounding environment
 - Increased noise pollution and traffic congestion from traffic movement on the site. The number of HGV vehicles using the site when the speculative units are occupied is unknown
 - Vehicles used by the employees would be entering and leaving the site at a time when the traffic on New Mill Road is already heavy.
 - Permission has also now been granted for the re-instatement of a football pitch on the Brook Motors Playing Field, with provision for a significant

number of car parking spaces and associated vehicle movements on and off the site. The two sites are almost directly opposite each other.

- It can already be very difficult for pedestrians to cross the road or for cars to pull out into the stream of traffic. We are concerned that permission should not be granted to use the site outside of normal working hours
- The area is currently very quiet during the evening and at weekends and noise and light pollution from the site would have a detrimental effect on both the local residents and wildlife.

Holme Valley Parish Council:

6.2 Support the application subject to an amendment to one of the opening times; as the development backs onto residential properties, operations should not start until 8am on Saturdays

7.0 CONSULTATION RESPONSES:

7.1 Statutory:

7.1.1 **KC Highways Development Management** – Comments awaited

7.2 **Environment Agency** – No objections subject to adequate sequential test and conditions

7.3 Non-statutory:

7.4 **KC Environmental Services** –No Objections subject to conditions

7.5 **KC Ecology** – Comments awaited

7.6 **Kirklees District Police Architectural Liaison Officer (PALO)** – No objections subject to condition

7.7 **KC Strategic Drainage** – No objections subject to conditions

7.8 **KC Trees**- No objections subject to condition

8.0 MAIN ISSUES

- Principle of development
- Design
- Residential amenity
- Highways
- Drainage & Flood Risk
- Trees
- Representations

9.0 APPRAISAL

Principle of development

- 9.1 The site is without notation on the UDP Proposals Map currently consists of an open greenfield located between an existing water treatment works to the south east, and a row of residential properties and a playing field to the northwest. Policy D2 (development of and without notation) of the UDP is relevant for such sites and 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 and subject to these not being prejudiced, the development of the site would be acceptable in principle in relation to policy D2 of the UDP.
- 9.2 The application seeks to redevelop a greenfield site for business purposes. One of the core principles of the NPPF is to proactively drive and support sustainable economic development to deliver...business and industrial units the country needs and to ‘respond positively to wider opportunities for growth’. The application has been considered taking into account this and the presumption in favour of sustainable development at the heart of the NPPF.
- 9.3 The suitability of the site for commercial use has been established by the Outline planning consent granted in 2014 (ref:2013/93959) and significant weight can be given to the planning history of the site. In conclusion the principle of development is considered to be acceptable

Design issues

- 9.4 Policies BE1 and BE2 of the Council’s UDP seek to control design and quality of new development. The plans and the Design & Access statement submitted as part of the application demonstrates how the development will sit on the site and the design objectives.
- 9.5 The proposed units will be simple portal framed structures, clad with profiled composite metal cladding. Areas of glazing will define entrance/ public areas whilst large scale industrial doors will provide access to the storage areas.
- 9.6 Accompanying the application is a document entitled ‘Crime and Security Measures’, which details items proposed to be incorporated in the development to reduce the opportunity for crime. Detail in this document covers:
- Boundary fencing
 - Defensive planting and landscaping
 - Surveillance of car parking areas, provision of external lighting and CCTV
 - Intruder alarm system
 - Security specification of external doors and ground floor windows

- 9.7 Given the detail provided, the council's Police Liason Officer has no objection to the scheme subject to a planning condition securing the specified security measures.
- 9.8 It is considered that the form of development proposed would be acceptable in the context of policies BE1 and BE2 taking into account other commercial development along the New Mill Road corridor.

Residential Amenity

- 9.9 The site is located in a mixed residential/commercial area, with the closest residential properties located to the north west. These dwellings at their closest point are approximately 20 metres from the application site. The submitted layout shows that the 2 units would be located to the east of the nearest residential properties. The height of the proposed units does not exceed 8.5 metres which is approximately 0.5 meters above the height of the houses to the north west of the site. The scale of the units is considered to be appropriate for the site's location and close proximity to residential units.
- 9.10 The separation distance of the units from the dwellings exceeds 35metres and is considered sufficient to reduce the potential impact of the buildings upon the living conditions of occupants and their enjoyment of the private garden areas to the rear.
- 9.11 The use of a landscaping will assist in softening the visual impact of the development on the affected residential properties. Hedge planting is proposed and any further landscaping required can be conditioned.
- 9.12 The council's environmental team have been consulted and have commented on various issues such as floodlights, land contamination and noise. With regards to floodlighting, the lighting scheme (Holophane plan P172-642-REV 1 dated 24-November-2016) appears suitable for this development in terms of sufficient lighting levels and minimal overspill lighting so not to adversely affect the nearest residential properties providing that the hours of operation are controlled by condition.
- 9.13 When the outline application was submitted in 2013 a contaminated land phase 1 report was submitted. A Phase II Site Investigation report has been submitted with this current application (RGS Ltd dated 12-07-2016 Ref J3475/16/E), which was reviewed by Environmental Services officer's. The conclusions of the report are that gas protection measures (CIRIA CS2) are required in the buildings, and that development should proceed on a precautionary basis in case contamination not already identified is discovered. It is recommended that the conditions are applied to any consent granted
- 9.14 In order to protect nearby residents from the noise within the plant hire depot service yard, an acoustic fence will need to be installed along the North West boundary of the service yard of the Plant Hire Centre Unit. A condition requiring this is required and so it is installed prior to the uses commencing.

Other conditions restricting hours of operation of the site are recommended preventing activities and deliveries outside the hours of 0700 and 1830 Monday to Friday, 0800 to 1830 Saturdays and 1100 to 1700 on Sundays. Similarly restricting operations during the construction phase.

- 9.15 No detail has been given on any fixed plant to be installed in any of the Proposed units. As the ones (closest to residential properties) are B8 Use, there should not be any need for large scale plant (e.g. extraction flues, refrigeration units, air conditioning etc.). However, plant can cause noise problems for nearby residents, so as a precaution a condition should be attached.
- 9.16 The proposal is considered to have an acceptable impact on residential amenity, and would comply with Policies D2, EP4, and EP6 of the UDP

Highway issues

- 9.17 The application is supported by a Transport Statement (Sanderson Associates August 2016). Outline planning consent for access in relation to the application site was granted in 2013. The outline approval for the site consents to 2600sqm of B1, B2 and B8 floorspace. The proposed development consists of a plant hire business of 860sqm with the remainder of the site being given over to 1245sqm B1/B2 use. The level of parking provision proposed is considered acceptable and in line with the adopted standards as prescribed within the UDP. With regards to the consented development of 2600sqm B1/B2/B8, the data utilised for the 2013 consent has been used for this assessment which would suggest circa 377 two-way movements during a 24 hour period with circa 28-35 two-way movements during each peak hour. Using the same TRICS data from the 2013 consent sees the proposed 1245sqm B1/B2/B8 generate circa 182 two-way movements during a 24 hour period with circa 16 two-way movements during the peak hours. The difference in peak hour trips between the consented development and the proposed development is minimal (plus 6 and plus 3 two-way movements in the AM/PM peak). As such, the proposal is considered acceptable in that regard.

Drainage issues

- 9.18 The site lies within Flood Zones 2 and 3, which has a medium/high flood risk. Paragraph 101 of the National Planning Policy Framework (NPPF) requires decision makers to steer new development to areas at the lowest risk of flooding by applying a Sequential Test.
- 9.19 A drainage statement was submitted with the application that bases the drainage scheme upon the conditions that were previously agreed for the outline planning consent in 2014. The applicants have revisited the outcomes of the previous application and submitted an addendum which updates the

position since the 2014 outline consent both in terms of the Flood Risk Assessment and the Sequential Test.

9.20 The council's drainage team were consulted on this application and their comments are summarised below as follows:

The majority of the site is flood zone 2 and parking areas largely form the areas occupied by zone 3 with a possible exception of the south end of the proposed building. A FRA should justify whether this forms a sequential approach, i.e. buildings are located in the safest possible location within the site.

The position of a public combined sewer pumping station at the south west corner of the site should be noted. Yorkshire Water may wish to impose a regulation stand-off distance that could amount to 15 metres.

Surface Water flood maps indicate a potential area of ponding within the site. The FRA should examine this pre and post development to ensure that buildings and future users are not negatively affected and risk is avoided.

There should be a preference to connect surface water discharges to watercourse. However this may not be possible as it requires a crossing of 3rd party land. Other systems are available and this can be dealt with under condition. Justification of selection in line with the surface water hierarchy of disposal will be required. Providing the issues are addressed the drainage team recommend several conditions concerning:

- drainage details
- Surface Water Connections
- Flow Restriction & Surface Water Attenuation
- Overland Flows and Flood Routing
- Interceptor for Surfaces and Car Parks

9.21 The Environment Agency was consulted and commented as follows:

Assuming the Sequential Test requirements are fulfilled, we are satisfied that this development, given its scale and nature, could go ahead with the inclusion of the following planning condition on any planning permission:

- *Finished floor levels must be set no lower than 104.8m above Ordnance Datum (AOD).*

Trees

9.22 The site is located adjacent a number of trees to the north east of the site which are protected by Tree Preservation. The applicant has provided an Arboricultural survey and the application has been considered by the Council's Arboricultural Officer and the details are considered to be acceptable subject to the imposition of a condition.

- 9.24 The proposal is considered to have an acceptable impact on the adjacent protected trees and would comply with Policy NE9 and the NPPF.

Representations

- 9.25 The proposal to clad the buildings in a silver metallic finish means that they will stand out from, rather than blend into the surrounding environment

Response

A condition is proposed to cover the final detailing of the cladding to ensure the finish is not highly visible out or of keeping with the surroundings.

- 9.26 Increased noise pollution and traffic congestion from traffic movement on the site. The number of HGV vehicles using the site when the speculative units are occupied is unknown

Response

The site is located within a mixed use area and there are no objections raised by Environmental Services in terms of environmental impacts. Highway comments will be reported in due course.

- 9.27 Vehicles used by the employees would be entering and leaving the site at a time when the traffic on New Mill Road is already heavy.

Response

The outline consent has granted an improved access which includes a 7.3m wide carriageway, 15m kerb radii and a single connecting 2m wide footway. Vehicular visibility splays in line with the 85th %ile wet weather speeds are achievable.

- 9.28 Permission has also now been granted for the re-instatement of a football pitch on the Brook Motors Playing Field, with provision for a significant number of car parking spaces and associated vehicle movements on and off the site. The two sites are almost directly opposite each other.

Response

The reuse of the football pitch and the proposed industrial development are not envisaged to result in any significant impacts in relation to comings and goings.

- 9.29 It can already be very difficult for pedestrians to cross the road or for cars to pull out into the stream of traffic. We are concerned that permission should not be granted to use the site outside of normal working hours

Response

Hours of use of the development are conditioned.

- 9.30 The area is currently very quiet during the evening and at weekends and noise and light pollution from the site would have a detrimental effect on both the local residents and wildlife.

Response

The site is located within a mixed use area and there are no objections raised by Environmental Services in terms of environmental impacts. Conditions controlling hours of use and floodlights are also proposed.

10.0 CONCLUSION

- 10.1 The proposed development industrial development of B1 and B8 and Sui Generis uses is considered to be acceptable in principle. The development would provide employment space in a sustainable location where there are other similar uses along the New Mill Road corridor. The proposal is similar in scale and potential impacts to the outline consent that was granted in 2014.

- 10.2 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval

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

- 1. 3 year standard condition for the commencement of development;**
- 2. Standard condition- development to be completed in accordance with approved plans;**
- 3. Boundary treatments to be approved;**
- 4. Crime prevention measures to be implemented**
- 5. Highways condition to cover sight lines, car parking, surfacing material prior to building works starting**
- 6. Environment Agency condition on finished floor levels;**
- 7. Drainage Strategy- surface water run off; flow routing and temporary drainage solutions;**
- 8. Finished floor levels must be set no lower than 104.8m above Ordnance Datum (AOD).**

9. **Hours of use of the facility on site 7am-6.30 Monday to Friday, 8am-6.30 Saturday. 11am-5pm Sunday.**
10. **Hours of operation of floodlights shall not operate outside the hours of 0700 to 1830 on any day.**
11. **Implementation of the Remediation Strategy**
12. **Submission of Validation Report**
13. **Acoustic Barrier**
14. **Fixed plant**
15. **Construction Site Operation hours**
16. **Electric Vehicle Charge Points**
17. **Landscaping scheme & implementation**
18. **Details of external cladding to industrial units to be agreed.**
19. **Construction method statement to be approved.**

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f94262>

Certificate of Ownership – Notice served on/ or Certificate A signed:

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Originator: Glenn Wakefield

Tel: 01484 221000

Report of the Head of Development Management

STRATEGIC PLANNING COMMITTEE

Date: 02-Mar-2017

Subject: Planning Application 2016/92866 Erection of 6 no. industrial units with office accommodation, formation of car parking and service yards and associated works Colne Bridge Road, Colne Bridge, Huddersfield, HD5 0RH

APPLICANT

Frank Marshall Estates
Ltd

DATE VALID

31-Aug-2016

TARGET DATE

30-Nov-2016

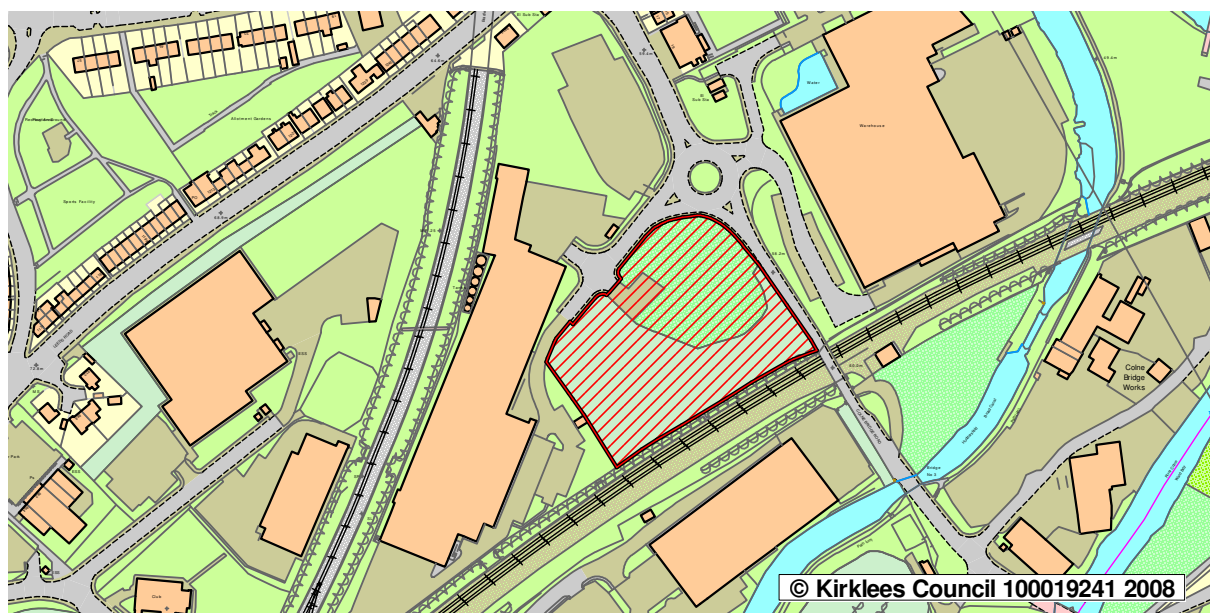
EXTENSION EXPIRY DATE

09-Mar-2017

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:

Ashbrow

No

Ward members notified

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Development Management in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

- 1.1 This application is brought to the Strategic Planning Committee as the proposal involves non-residential development of a site that exceeds 0.5ha in area.
- 1.2 This proposal would see the erection of 6 new industrial units on a vacant plot within an established concentration of commercial uses. It is considered that the development is satisfactorily designed and, subject to the inclusion of planning conditions, would not have any significant effect on local amenity, the local environment or highway safety.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site is a vacant plot within a wider area of commercial development occupying an area of around one hectare and is located approximately 800m east of the centre of Bradley and 1km north east of Deighton. The site is bounded to the south by the Huddersfield to Leeds/Wakefield railway line and to the east by Colne Bridge Road (B6118). The immediate surrounding area is commercial in character with only a few residential properties located 130m to the north east.
- 2.2 The site is located within an area which is without notation in the Council's adopted Unitary Development Plan. The site has been cleared and levelled ready for development and soils have been stockpiled on the eastern side of the site. The site has been left for several years and is now covered by weeds and, at present, has an unkempt scrubby appearance. An access spur has been created on the northern boundary.
- 2.3 Access to the site can be gained along a two lane highway which adjoins Colne Bridge Road at a roundabout immediately to the north east of the site.

3.0 PROPOSAL:

- 3.1 The applicant proposes to build 6 new industrial units. These would comprise 3 linked units on the southern part of the site, a double unit in the north west sector and a single unit in the north east sector. Units 1,2,3 are separated from units 4,5,6 by a service yard area which includes staff /customer parking areas and a vehicle turning area.
- 3.2 The new buildings would vary in size but all contain office and welfare facilities. The dimensions of each have been summarised in the following table:

Unit No.	Length (m)	Width (m)	Height to Ridge (m)	Floor space (sq. ft)
1	35	22	8	7000
2	40	27	8	10750
3	32	23	7.5	7500
4	26	23	7.5	6000
5	16	16	7.5	2500
6	23	16	7.5	3850

- 3.3 The units will be of a traditional steel framed design with a dwarf wall constructed from brickwork with metal profile cladding used on the walls and roof. Each unit would have at least 1 loading door in the front elevation of the building.

4.0 RELEVANT PLANNING HISTORY

2009/92523 - Erection of high bay warehouse, delivery docks, 4 storey order processing and despatch docks, product development studios, staff welfare facilities, factory shop and basement parking, formation of product conveyor bridging and access road (Approved 21/01/2010)

5.0 HISTORY OF NEGOTIATIONS

During the consideration of this application a re-siting of Units 4,5 and 6 was secured in order to minimise the impact of the development on trees on the southern boundary of the site.

Following concerns raised by the Council's Biodiversity Officer regarding the potential detrimental impact this development may have on local biodiversity, the applicant agreed to incorporate sections of living walls within the development.

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 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

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.

D2 – Unallocated Land
B1 – Employment Needs
BE1 – Design principles
BE2 – Quality of design
EP4 – Noise generating development
G1 – Securing regeneration
G6 – Land contamination
T10 – Highway safety
T19 – Parking standards

6.3 National Planning Guidance:

NPPF Section 1. Building a strong, competitive economy
NPPF Section 7 Requiring Good Design
NPPF Section 10 Meeting the Challenge of Climate Change, Flooding and Coastal Change
NPPF Section 11. Conserving and enhancing the natural environment

7.0 **PUBLIC/LOCAL RESPONSE:**

7.1 This application was publicised by the posting of 4 site notices in the vicinity of the site, the mailing of 2 neighbourhood notification letters and an advertisement in the local press. No representation have been received with regard to this proposal.

8.0 **CONSULTATION RESPONSES:**

8.1 **Statutory:**

KC Highways - No objections subject to planning conditions requiring that:

2.4 x 43m sightlines are created at the access point prior to development being brought into use

All areas to be used by vehicles and pedestrians are surfaced sealed and drained.

Proposed turning facilities are provided prior to development being brought into use

Railway Infrastructure Manager – No response

8.2 Non-statutory:

KC Environmental Services – No objection subject to planning conditions which require:

- Prior to development commencing, the submission of details indicating how the occupiers of nearby sensitive properties will be protected from noise emissions generated at the site.
- The submission of a scheme indicating how impacts on Air Quality in the area will be mitigated.
- Measures to deal with any contamination at the site which has not been previously identified.

KC Environment Unit – Originally raised concerns that the loss of further woodland would have a detrimental impact on local biodiversity. However, Biodiversity officer has indicated that subject to the inclusion of living wall arrangements and compensatory tree planting the proposals are acceptable in principle.

KC Arboricultural Officer – No objection subject to a planning condition which requires the submission of an arboricultural method statement prior to development commencing.

KC Flood Management – No objection subject to a planning condition requiring the submission of drainage arrangements

Environment Agency – No objection

Yorkshire Water - No objections subject to the drainage arrangements indicated on drawing SK 100D (revision A) being implemented.

Canal & River Trust – No objection

9.0 MAIN ISSUES

- Principle of development
- Design
- local amenity
- Environmental Issues
- Drainage
- Highway issues
- Representations

10.0 APPRAISAL

Principle of development

10.1 The application site is without notation on the UDP proposals map and it is therefore considered that the principal policy determining the suitability of this proposal is D2 which indicates that development on such land will be permitted provided that the proposals do not prejudice:

- i the implementation of proposals in the plan;
- ii the avoidance of over-development;
- iii the conservation of energy;
- iv highway safety;
- v residential amenity;
- vi visual amenity;
- vii the character of the surroundings;
- viii wildlife interests; and
- ix the efficient operation of existing and planned infrastructure.

These considerations are addressed later in this assessment. Subject to these not being prejudiced, this aspect of the proposal would be acceptable in principle in relation to policy D2.

10.3 The National Planning Policy Framework makes it clear that the Government is committed to securing economic growth through the planning process and to help achieve this paragraph 20 of the NPPF states:

“.....local planning authorities should plan pro-actively to meet the development needs of business and support an economy fit for the 21st century.”

10.4 As this proposal would positively contribute towards the local economy in terms of jobs and investment, it is therefore considered that, subject to this proposal not compromising the key sustainable principles set out in the NPPF, this proposal is acceptable in principle.

Impact on Amenity

- 10.5 UDP Policies BE1 and BE2 are considerations in relation to design, materials and layout. Section 7 of the NPPF indicates that good design is a key aspect of sustainable development and that poorly designed development should be refused.
- 10.6 The area surrounding the application site exhibits a variety of architectural styles both contemporary and more traditional involving the use of different facing materials including stone, brick and metal cladding. Commercial premises in the immediate vicinity of the site include buildings constructed from materials similar to this proposal.
- 10.7 The proposed buildings are of a contemporary design making use of materials which are fairly typical for this type of development. The scale of the buildings would be similar to others in the immediate vicinity and officers therefore consider that this development would not be out of keeping within the wider setting which, as indicated, includes similar buildings. It is therefore considered that this proposal would not detrimentally affect visual amenity and would therefore accord with policies BE1 or BE2 of the UDP and national policy guidance contained in Section 7 of the NPPF.
- 10.8 When viewed from the surrounding area, this is predominantly an industrial/business area, although residential properties are located to the north of the site off Huddersfield Road and Colne Bridge Road and to the south of the site on the other side of the River Colne off Dalton Bank Road. Whilst this proposal would result in a substantial development of land, due to a combination of the topography of the area existing development and mature vegetation it would not impinge significantly on these residential properties. This proposal therefore accords with Policy D2, of the UDP in respect of residential amenity.
- 10.9 Whilst this proposal is located within an existing commercial setting there are a number of residential properties to the north of the site close to the junction with Colne Bridge Road with Leeds Road. The noise climate in this area is already high due to the busy roads, railway and existing commercial activity. However, this proposal could add to the local noise climate and the cumulative effect may therefore have an impact. Consequently it is proposed to include a planning condition which would require the applicant to provide details of how sensitive properties in the vicinity of the site would be protected from excessive noise levels.

Environmental issues

- 10.10 The site has been prepared for development but left vacant for several years and has therefore naturally regenerated. This site therefore has the potential to provide habitat opportunities for a variety of animal and plant species. The proposal would include the loss of a number of mature trees on the periphery of the site to facilitate development which could have an impact on local ecological systems

10.11 An ecological appraisal of the site has been submitted in support of this application which concluded that:

- The site is principally occupied by habitat of low ecological value
- There is no evidence of local badger populations using the site
- There is no evidence of Great Crested Newts on site
- Due to the site being in a relatively busy built up area, it is unlikely to provide support for any specifically protected bird species
- The development of the site is unlikely have a significant impact on local bat populations.

The applicant has indicated a willingness to include living walls in this development to enhance local biodiversity and to carry out replacement tree planting to compensate for the loss of a limited number of trees to facilitate development.

10.12 It is therefore considered that any detrimental impact on local biodiversity caused by this development can be satisfactorily compensated for and the sensitive restoration of the site provides an opportunity to enhance local biodiversity. Consequently this proposal accords with Section 11 of the NPPF with regard to its potential effect on local ecology.

10.13 The proposal is adjacent to an Air Quality Management Area where significant efforts have been made in recent years to improve air quality. It is therefore important to ensure that this proposal does not have a significant detrimental effect on air quality in the vicinity and that any impact is satisfactorily mitigated. Should planning permission be granted, and in order to accord with Section 11 of the NPPF, it is proposed to include a planning condition which would require the submission of a scheme prior to development commencing which will include the following:

- The provision of a low emission travel plan
- An air quality impact assessment which provides details of appropriate mitigation
- The provision of low emission vehicle charging points
- A commitment to ensure commercial vehicles using the site comply with the most recent european emission standards

Drainage

10.13 The site is located within Flood Zone 1 and therefore a has a very low probability of flooding. The applicant has included a Flood Risk Assessment in

support of this proposal which concludes that there is a very low risk of the site flooding from rivers, surface water, ground water, sewers and reservoirs.

- 10.14 The applicant proposes to drain the site using existing private sewers which were installed to cater for the existing commercial units in the vicinity and this vacant site. Surface water would drain via this system and discharge into the canal. It is considered that these sewers have the capacity to satisfactorily deal with site drainage.
- 10.15 It is therefore considered that this proposal would accord with Section 10 of the NPPF with regard to drainage and potential flood risk.

Highway issues

- 10.16 The highway infrastructure surrounding the site is satisfactory and the development would make use of an existing access road which has been constructed to an industrial standard with footways to both sides.
- 10.17 The applicant has provided Transport statement in support of their application. This assessed the likely impact that would be caused by the development on the surrounding highway network. It concluded that this development would be acceptable in terms of traffic impact and accessibility provision, and that there are no highway safety or capacity reasons why planning permission should not be granted. Officers have reviewed this assessment and are in agreement with its findings.
- 10.18 The development should be considered under the provisions of the Kirklees Strategic Enterprise Zone Supplementary Planning Document 1 (KSEZ SPD1) corridor. KSEZ SPD1 comprises a series of proposed transport improvements along the A62 Leeds Road corridor from Cooper Bridge (and Three Nuns junction) to the Huddersfield Town Centre Ring Road which aims to allow the regeneration of mainly Brownfield sites to occur.
- 10.19 The KSEZ SPD1 was adopted in September 2007 and its aim is to provide a legal mechanism to secure and pool developer contributions towards the transport infrastructure proposals. The contributions are based on extra traffic created by the developments (assessed within the planning application process) at the Cooper Bridge/Three Nuns and Bradley Road/ Colne Bridge Road junctions.
- 10.20 The threshold for developer contributions from developments within the KSEZ corridor is 9 peak hour trips through the Cooper Bridge / Three Nuns junction. The predicted peak hour trips for this proposal are considered to be 25 am and 24 pm giving a total of 49.
- 10.21 However it was agreed during negotiations carried out during the assessment of planning permission for B8 storage and distribution (2009/92523) for this site that the KSEZ contribution associated with that development would be offset against the provision of land to facilitate improvement works at the junction of the A62 Leeds Road with Colne Bridge Road.

10.22 Consequently, as peak vehicle movements are predicted to be lower than those associated with the previous planning permission outlined above, it is not considered appropriate to seek further KSEZ contributions in connection with this proposal.

10.23 It is therefore considered that subject to the conditions requiring the provision of adequate sight lines, the surfacing of vehicular area and the provision of the proposed turning facilities this proposal accords with UDP policies T10 and T19 with regard to Highway Safety.

Representations

10.24 No representations have been received in connection with this proposal

11.0 CONCLUSION

11.1 The proposal would have the potential to allow new business to locate within the Kirklees area. The design of the proposed new units is considered to be satisfactory and it is considered that the development would not appear as incongruous within this particular setting, which has similar structures within close proximity. Due to the separation distances, local topography and screening afforded by the existing built environment and existing vegetation, it is considered that, on balance, the impact on neighbouring residential properties would be limited. Furthermore this proposal would not have a detrimental impact on highway safety in the vicinity of the site. It is therefore considered that this proposal would accord with both local and national policy guidance with regard to this type of development.

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

1. Standard 3 years to implement permission
2. Standard condition requiring development to accord with approved plans
3. No development on the buildings superstructure until samples of facing and roofing materials have been approved.
4. Development not to be brought into use until 2.4 x 43m sightlines have been implemented
5. Development not to be brought into use until areas to be used by vehicles/pedestrian have been surfaced and drained
6. Development not to be brought into use until vehicle turning facilities have been implemented.

7. No development to commence until an Arboricultural Method Statement has been submitted and approved.
8. No building works to commence until measures to protect noise sensitive properties in the vicinity from the operation of the completed development have been approved.
9. The submission of a scheme assessing whether air quality will be affected in the area as a result of this proposal and any how impacts on air quality would be mitigated.
10. The submission of a scheme providing drainage details for the site.
11. Measures to deal with any contamination not previously identified.
12. The submission and approval of a revised landscaping scheme which includes the provision of living walls and compensatory tree planting.
13. Prior to the development being brought into use, the submission of a scheme indicating how the site will be artificially lit.

Background Papers:

Application and history files .

Website links to view: <http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f92866>

Certificate of Ownership – Applicant confirmed ownership of the site on via certificate A on 19.08.16.

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KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

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

02 MARCH 2017

Planning Application 2016/92887

Item 11 – Page 37

Erection of one dwelling and garage for use as bus depot and vehicle maintenance (within a Conservation Area)

Star Coaches of Batley Ltd, 2, George Street, Batley, WF17 5AU

Application Boundary

George Street, from its junction with Talbot Street, is un-adopted. The implications for the application are that the red line boundary does not include the section of un-adopted road between the proposed access point for the dwelling and the adopted highway.

The applicant owns the part of the road which is un-adopted and has submitted a revised location plan which incorporates the un-adopted road within the blue line boundary. Access to the dwelling from the adopted road can therefore be secured via the applicants own land.

Revised wording of Condition 12:

Condition 12 requests a scheme for the landscaping and boundary treatment of the proposed dwelling. This is to be revised to remove the word (dwelling) to also secure details of boundary treatment for the commercial site frontage.

Revised Wording of Condition:

12. Landscaping Plan / details of boundary treatment

Part demolition of existing mills and erection of 48 dwellings and 16 apartments. Re-use of existing mill building and alterations to form workshop, car storage, restaurant, function suite and ancillary office space and formation of car park. Conversion of mills to hotel and offices (Listed Building)

Washpit Mills, Choppards Lane, Cartworth Moor, Holmfirth, HD9 2RD

Highways:

Additional information was requested from the applicant in respect of trip generation and parking requirements for The Carding Shed business along with justification for the parking level provided and servicing arrangements.

This information has not been provided. It has however been confirmed that the very large scale car show events that the business has held on occasion at their existing site will not take place at Washpit Mills. The logistical challenges of hosting such events are such that the business no longer wishes to provide these and, in any event, the business would be physically prevented from hosting them at the application site because they will not have the open land available to them unlike at their existing premises.

Further information was also requested from the applicant in respect of the parking provision for the housing element of the scheme. The number of dwellings on the site has now been reduced by three and eight additional parking spaces provided. Officers accept that the level of residential parking is acceptable.

It is considered that pedestrian connectivity between the site and Holmfirth is not currently acceptable and should be improved. This is to enhance the accessibility of the development by improving links for future residents of the development, The Carding Shed and hotel.

To achieve this, officers preferred solution is for a footway to be provided along Green Lane and Washpit New Road to link to Dunford Road. This would involve a 1-1.2m footway with kerbing on one side of the road. It is considered that there would be sufficient width for this to be provided along the vast majority of the highway although there may be sections where the carriageway width would not allow for its provision. Lighting should also be upgraded/supplemented along the length of this stretch of highway; the nature of the lighting will need to be appropriate for the local character of the area.

In response to this, the applicant has offered to provide a financial contribution of £50,000 towards the upgrade of existing routes/connections from the site towards Holmfirth.

This figure is unlikely to fund the full provision of the footway along Green Lane and Washpit New Road although it will provide a sum of money to either provide or contribute towards upgrades and improvements to the highway network in order to enhance pedestrian connection from the site towards Holmfirth.

Highways have advised that a signage strategy for both pedestrian and highway signage around the locality of the area so as to direct traffic via the most appropriate route (i.e. via Washpit New Road). This is of particular importance with visitors to The Carding Shed.

Highways have also advised that a site wide travel plan is required for the development. This can be conditioned.

Flood risk and drainage:

Site layout:

Amended plans have been submitted to remove dwellings being built over the culverted section of the River Ribble. This has resulted in three dwellings being deleted and subsequent design modifications to the northern end of blocks J and K. A minimum stand-off distance of 4 metres is provided between blocks J and K and the culverted watercourse. The amendment is considered to be acceptable and addresses the concerns raised at paragraph 10.65 of the assessment.

A consequence of the above amendment is that part of block H has been set further back to maintain window-to-window separation distances. This results in a closer and somewhat more direct relationship between the rear wall of proposed dwelling F1 and the gable end of proposed dwelling H10. Whilst not ideal, there is still an oblique relationship between the dwellings and given that this is a new dwelling to new dwelling relationship officers are not unduly concerned.

A further consequence of the amendment to blocks J and K is that an additional 8 general parking spaces are now provided.

The revised site plan also shows increased stand-off distances between block F and the culverted watercourse. A minimum stand-off of 3m is provided which allows sufficient space for future maintenance. Given the proximity to the culvert these dwellings (as well as blocks K and J) will require careful construction so as not to undermine the stability and integrity of the culverted watercourse; the method of construction is a matter for the developer and is beyond the scope of this planning application. As detailed at paragraphs 10.71 and 10.73 of the report, further assessment of the condition of the culvert and schedule of repairs is required; this will need to take into account the potential effect of additional loading on the culvert arising from the proximity of blocks F, K and J.

The applicant has been asked to provide further information in relation to the location and condition of the mill race as well as two tributaries outside of the site at Lamma Wells Farm and Green Lane which are likely to run through the site. The applicant has been unable to demonstrate where these watercourses are and it is unclear whether the layout involves building over them. The applicant still needs to address this issue and there is the potential for this to result in changes to the site layout. This matter could be addressed following the committee meeting between officers and the applicant. Similarly, the provision of information on the condition of the mill pond has not been provided but could be addressed by condition.

Sequential test:

The applicant has provided information in relation to the sequential and exception tests.

The information states that a search of alternative sites within the district has been undertaken and concludes that there is a shortage of land available that is comparable to this development having regard to the overall scale of the site and the mixed use nature of the proposals. The sequential test does not therefore identify any sites considered by the applicant to be appropriate or reasonably available and that are at a lower risk of flooding.

The information is accepted for the purposes of the sequential test. Whilst the sequential test is only to be applied to the new build houses that fall within Flood Zones 2 and 3, this element of the scheme cannot be assessed in isolation and the development needs to be viewed in its entirety as a mixed use scheme. The quantum of new housing proposed is considered to be reasonably necessary to facilitate the non-residential elements of the scheme to be brought forward, including the redevelopment of the listed building and the conversion of the workshop to alternative employment uses. On this basis there is a site specific argument for locating new build dwellings on the site.

When considering the layout of the proposed site a sequential approach should be applied to the location of the new dwellings, avoiding the parts of the site that are at a higher risk of flooding where possible. The majority of blocks F, J and K fall within Flood Zones 2 and 3 on the Environment Agency Flood Map.

The applicant has provided information as part of their Flood Risk Assessment (FRA) which shows the part of the site which they consider to be the area at higher risk of flooding based on the existing and proposed site levels. As a result of this exercise the Environment Agency's Flood Zones 2 and 3 have been remodelled by the applicant. The remodelled flood zones have not been endorsed by the Environment Agency however based on the applicant's detailed site assessment it has removed block F and part of blocks K and J from the higher risk flood areas.

The FRA also shows a flood route zone in the event of a blockage of the culverted watercourse. This indicates that water would flow along the access road and adjoining parking areas. Blocks F, K and J do not fall within this flood route zone and the finished floor levels of these dwellings would all be above the level of the adjacent section of the access road.

Based solely on the information contained within the FRA, the applicant has been able to demonstrate that new buildings are avoided, or at least limited, within the parts of the site which the FRA has assessed as being at greatest risk of flooding.

Following application of the Sequential Test, if it is not possible for the development to be located in zones with a lower probability of flooding the Exception Test can be applied. For the Exception Test to be passed:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

In terms of the first part of the test, officers are satisfied that the wider sustainability benefits of the development, including the redevelopment of this brownfield site and facilitating the relocation of a local business with the associated economic benefits, outweigh flood risk in this instance.

With regard to the second part of the test, information has been provided to demonstrate that blocks F, J and K will be safe for their lifetime because the finished floor levels will be above the natural low point within the site and main flood route which is the access road and adjoining parking areas.

KC Flood Management and Drainage have raised an objection on the grounds of inadequate assessment of flood risk covering the lack of assessment of significant watercourses, tributaries, mill ponds etc. Flood Management and Drainage hold direct influence if a developer is moving/obstructing the original line of the watercourse through powers under other acts of parliaments. In response the developer will be asked to comment on these matters and an update brought to committee tomorrow. The issue around the mill pond can be controlled through condition and the assessment about any watercourses or tributaries within the site could be dealt with through an updated pre-commencement survey. These remaining areas of concern from the drainage engineer would not preclude the change of use to facilitate the Carding Shed business entering the site.

Residential amenity:

Further comment has been received from Environmental Services.

Consideration has been given to the relationship between the Carding Shed's function room and the closest of the proposed new dwellings; these are dwelling A9 and the apartment block (D).

In terms of dwelling A9, there is a significant difference in levels between this dwellinghouse and the function room which will go some way towards mitigating the impact of noise from the use of the function room. In addition an acoustic fence can be incorporated along the boundary which will further mitigate noise and noise attenuation glazing could also be installed within this dwelling.

In terms of the apartments, a degree of noise attenuation would naturally be provided by the position of the function room relative to the apartment buildings and noise attenuation glazing could also be installed to the apartments that are closest to The Carding Shed.

With regard to the opening hours of the Oil Can Café and its associated function room, the proposed hours are:

Monday to Sunday daytime 10am to 4pm

For evening events (do not occur everyday but allowing flexibility):

Sunday to Thursday Evenings 6.30pm to 11pm (Licensed)

Friday & Saturday Evenings 6.30pm to 12 Midnight (Licensed)

The proposed hours are considered to be acceptable and can be controlled by condition.

A condition is also recommended in relation to a noise management plan for the Oil Can Café function room. This will include details of how music levels will be controlled (for example a sound limiter) and monitored as well as appropriate signage regarding respecting local residents in external areas/car parks, taxi agreements regarding the sounding of horns/quiet pick-ups and contact numbers for Management in the event of complaints.

Standard conditions are recommended in terms of addressing potential noise nuisance from plant.

Officers are satisfied that subject to the above restrictions the amenity of future occupiers of the proposed dwellings as well as the amenity of existing properties surrounding the site would be protected.

Heritage:

The listed building on the site is currently in a good state of repair. In terms of the phasing of the proposed development it is likely that the redevelopment of the listed building to a hotel will be towards the end and therefore it may be a number of years before its conversion. To ensure that the condition of the building does not deteriorate over this period a condition is recommended for a management plan for the maintenance of the listed building that is tied to the phasing of the development. This could, for example, involve an annual inspection report to be carried out and submitted to the council for approval, with any repairs carried out as necessary to ensure the building remains weathertight.

Education contribution:

The total number of dwellings on the site has been reduced by three and as such the education contribution has been revised accordingly. The figure is £172,658.

On-site public open space:

The revised site plan still shows the proposed 'woodland walk' linking to an area of parking. Revised details avoiding a connection via the car park are necessary – this can be addressed by condition or a further amended plan.

Additional representation:

An additional representation has been received from a group of local residents which has been circulated to members of the committee and ward members by the group.

The submission states that the redevelopment of the site and retention of old buildings for a mixed use scheme is welcomed. A number of concerns have however been raised. Of those concerns, highway matters, noise, flooding and POS have been addressed within this update. In relation to biodiversity, the Ecology Unit has reviewed the representation and is satisfied that the impacts of the development can be adequately mitigated.

Conclusion:

In summary, consideration has been given to the highway implications of the development and the requirement for a greater level of pedestrian connectivity between the site and Holmfirth. Whilst the additional sum of money offered will not fully deliver a preferred scheme (as advised by Highways) consideration is given to the wider benefits of the development in terms of recycling previously developed land, enabling a local employer to stay within this part of the district, providing other business and tourism uses that will benefit the local economy and delivering new housing. Great weight is also afforded to the reuse of a listed building. The scheme is therefore recommended for approval subject to a S106 to cover the education contribution and an obligation requiring the £50,000 contribution towards improving pedestrian connectivity from the site to Holmfirth.

Planning Application 2016/92254**Item 13 – Page 71****Erection of 24 dwellings****Land off Colders Lane, Meltham, Holmfirth**

The applicant has requested that the application be deferred to enable further detailed discussions to take place with officers in relation to the overage clause. Officers consider this request to be reasonable.

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