

Public Document Pack



**Service Director - Governance and
Commissioning Support**
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Wednesday 19 April 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 27 April 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 and will be available to view via the Council's website.

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

Service Director - Governance and Commissioning Support

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 30 March 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: 2017/90180

Erection of 95 dwellings with access from Yew Tree Road and Burn Road Land at Ainley Top/Yew Tree Road/Burn Road, Huddersfield.

Estimated time of arrival at site: 9.35am

Contact Officer: Adam Walker, Planning Services.

Wards

Affected: Lindley

8: Site Visit - Application No: 2016/93514

Erection of 149 dwellings with associated car parking, access, landscaping, public open space and drainage works Land off, Rumble Road, Dewsbury.

Estimated time of arrival at site: 10.25am

Contact Officer: Bill Topping, Planning Services.

Wards

Affected: Dewsbury East

9: Site Visit - Application No: 2017/90077

Erection of 85 bed care home with associated car parking and landscaping Busker Lane, Scissett, Huddersfield.

Estimated time of arrival at site: 11.00am

Contact Officer: Matthew Woodward, Planning Services.

Wards

Affected: Denby Dale

10: Site Visit - Application No: 2016/93688

Erection of 97 dwellings along with associated access, drainage works, landscaping and public open space Land to the south of Burton Acres Lane, Highburton, Huddersfield.

Estimated time of arrival: 11.25am

Contact Officer: Adam Walker, Planning Services.

Wards

Affected: Kirkburton

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 24 April 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: 2017/90155 15 - 44

Erection of school, formation of outdoor play areas and fenced MUGA and alterations to existing site access and parking Moor End Academy, Dryclough Road, Crosland Moor, Huddersfield.

Contact Officer: David Wordsworth, Planning Services.

Wards

Affected: Crosland Moor and Netherton

12: Planning Application - Application No: 2016/93428 45 - 70

Part demolition of existing mills and erection of 45 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.

Contact Officer: Adam Walker, Planning Services.

Wards

Affected: Holme Valley South

13: Planning Application - Application No: 2017/90180 71 - 92

Erection of 95 dwellings with access from Yew Tree Road and Burn Road Land at Ainley Top/Yew Tree Road/Burn Road, Huddersfield.

Contact Officer: Adam Walker, Planning Services.

Wards

Affected: Lindley

14: Planning Application - Application No: 2016/93688 93 - 112

Erection of 97 dwellings along with associated access, drainage works, landscaping and public open space Land to the south of Burton Acres Lane, Highburton, Huddersfield.

Contact Officer: Adam Walker, Planning Services.

Wards

Affected: Kirkburton

15: Planning Application - Application No: 2017/90077 113 - 130

Erection of 85 bed care home with associated car parking and landscaping Busker Lane, Scissett, Huddersfield.

Contact officer: Matthew Woodward, Planning Services.

Wards

Affected: Denby Dale

16: Planning Application - Application No: 2017/90473 131 - 138

Erection of 1 dwelling Springfield Farm, Moorside, Cleckheaton.

Contact Officer: Sarah Longbottom, Planning Services.

Wards

Affected: Cleckheaton

17: Position Statement - Application No: 2016/93514 139 - 156

Erection of 149 dwellings with associated car parking, access, landscaping, public open space and drainage works Land off, Rumble Road, Dewsbury.

For the Committee to note the content of the report and presentation and to respond to the questions outlined in the report.

Contact Officer: Bill Topping, Planning Services.

Wards

Affected: Dewsbury East

Planning Update 157 - 172

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

Contact Officer: Andrea Woodside, Tel. andrea.woodside@kirklees.gov.uk

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 30th March 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

All Members of the Committee were present

2 Minutes of the Previous Meeting

RESOLVED –

That the Minutes of the Meeting held on 2 March 2017 be approved as a correct record.

3 Interests and Lobbying

All Committee Members advised that they had been lobbied in respect of Application 2017/90349.

Councillor Kane advised that he had been in attendance at a presentation, in his capacity as a Councillor for the Dewsbury area, regarding the Dewsbury Waterfront Development which had made reference to Applications 2016/94118 and 2016/94117.

4 Admission of the Public

RESOLVED –

That a late additional item relating to Application 2014/62/93073 be considered in private session in accordance with the provisions of Clause 5 of Paragraph 1 of Part 1 Schedule 12A of the Local Government Act 1972.

5 Public Question Time

No questions were asked.

6 Deputations/Petitions

No deputations of petitions were received.

7 Site Visit - Application No: 2017/90155

Site visit undertaken.

8 Site Visit - Application No: 2016/92154

Site visit undertaken.

9 Site Visit - Application No: 2017/90349

Site visit undertaken.

10 Site Visit - Application No: 2016/94118

Site visit undertaken.

11 Site Visit - Application No: 2016/94117

Site visit undertaken.

12 Site Visit - Application No: 2017/90022

Site visit undertaken.

13 Planning Application - Application No: 2017/90155

The Committee gave consideration to Planning Application 2017/90155 – Erection of school, formation of outdoor play areas and fenced MUGA and alterations to existing site access and parking at Moor End Academy, Dryclough Road, Crosland Moor.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Chas Ball and Charles Waterhouse (local residents), Debbie Kelly (on behalf of Beaumont Primary Academy), Jane Acklam (on behalf of Moor End Academy) and Marianne McCallum (applicant's agent).

RESOLVED –

That the application be deferred to request the submission of further information regarding the travel plan scheme and noise attenuation details.

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

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

Against: Councillor Pattison (1 vote)

14 Planning Application - Application No: 2017/90349

The Committee gave consideration to Planning Application 2017/90349 – Erection of storage building, garage and salt barn, formation of stone gabion walling and associated works including amendment to site boundary fence Council Depot, Headlands Road, Liversedge.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Chris Johnson (Operational Manager – Headlands Depot).

RESOLVED –

That authority be delegated to the Head of Development Management to approve the application (upon expiration of the publicity period), issue the decision notice and finalise conditions including matters relating to; a three year condition, approved plans, materials, noise attenuation/mitigation, contamination and turning areas to be provided prior to occupation, in accordance with submitted plans.

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: 2016/94118

The Committee gave consideration to Planning Application 2016/94118 – Outline application for residential land off Ravensthorpe Road, Dewsbury.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Andrew Rose (applicant's agent).

RESOLVED –

That authority be delegated to the Head of Development Management to approve the application, issue the decision notice and finalise conditions including matters relating to; the submission of reserved matters for layout/external appearance/scale/landscaping, commencement of development time limits, highways and transport, provision of affordable housing, provision of public open space, provision of infrastructure to meet education need, flood management and drainage, site remediation, noise, coal mining legacy and ecology.

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

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

Against: Councillor Kane (1 vote)

16 Planning Application - Application No: 2016/94117

The Committee gave consideration to Planning Application 2016/94117 – Outline application for residential development (C3) at land off Lees Hall Road, Dewsbury.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Andrew Rose (applicant's agent).

RESOLVED –

That authority be delegated to the Head of Development Management to approve the application, issue the decision notice and finalise conditions including matters relating to; the submission of reserved matters for layout/external appearance/scale/landscaping, commencement of development time limits, highways and transport, provision of affordable housing, provision of public open space, provision of infrastructure to meet education need, flood management and drainage, site remediation, coal mining legacy and ecology.

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 Planning Application - Application No: 2016/92154

The Committee gave consideration to Planning Application 2016/92154 – Erection of 5 dwellings at land at James Street, Liversedge.

RESOLVED –

That authority be delegated to the Head of Development Management to approve the application (upon expiration of the publicity period), issue the decision notice and finalise conditions including matters relating to; a three year time limit, plans and specifications, site clearance, lighting design strategy, parking areas to be surfaced and drained, turning head to be hardened and drained surface, 2 metre footway to be constructed along the James Street development frontage, construction method statement, cycle storage facilities, phase I preliminary risk assessment, phase II site investigation, submission of remediation strategy, implementation of remediation strategy, submission of validation report, electric

vehicle charging points, noise report and mitigation measures and ecology mitigation/enhancement plan/implementation programme.

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)

18 Planning Application - Application No: 2016/92254

The Committee gave consideration to Planning Application 2016/92254 – Erection of 24 dwellings at land off Colders Lane, Meltham, Holmfirth.

RESOLVED –

- 1) That authority be delegated to the Head of Development Management to approve the application, issue the decision notice and finalise conditions including matters relating to; a one year time limit condition, development in accordance with approved plans, approval of samples of materials, scheme for construction and specification of the access road, scheme for off-site highway works at Colders Lane/Green End Road junction, construction management plan, condition survey and remedial works to Colders Lane, private parking spaces surfaced in permeable material, surfacing of courtyard for plots 1-3, landscaping scheme for area where attenuation tank is located (based on native plant species), restriction on windows being formed in the side walls of plots 1, 14 and 22, detailed drainage scheme to be submitted and approved, scheme for bird nesting opportunities, provision of electric vehicle charging points, remediation scheme for contaminated land, intrusive site investigation report and remediation strategy to deal with coal mining legacy, and details of arrangements for collection of waste.
- 2) That a Section 106 agreement be secured to cover; (i) public open space provisions including an off-site commuted sum (£64,000) and future maintenance and management responsibilities of open space within the site (ii) off-site highway works for junction improvements as proposed in the application (iii) a contribution towards the provision of Metro Cards of £10,650 and (iv) a clause to reappraise the viability of the scheme and its ability to deliver affordable housing in the event that the dwelling foundations and surface water attenuation scheme are not completed within 30 months of a lawful commencement of development.
- 3) That, pursuant to (2) above, in circumstances where the S106 Agreement has not been completed within three months of this decision, the Head of Development Management shall be authorised to consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that it would have secured, and would therefore be permitted to determine the application and impose appropriate reasons for refusal under delegated powers.

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

For: Councillors S Hall, A Pinnock and Pattison (3 votes)
Against: Councillors D Firth and Kane (2 votes)
Abstained: Councillor Armer

19 Planning Application - Application No: 2017/90022

The Committee gave consideration to Application 2017/90022 – Erection of extension to existing factory at St Andrew's Road, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Andrew Suterlick (on behalf of the applicant).

RESOLVED –

That authority be delegated to the Head of Development Management to approve the application, issue the decision notice and finalise conditions including matters relating to; three years commencement timeframe, accordance with approved plans, landscape/maintenance, samples of materials, unexpected remediation, drainage, finished floor levels in accordance with the Flood Risk Assessment, highway surfacing to be laid out prior to first use, existing access closed off, update of travel plan to respond to enlarged building and details of mitigation scheme for the loss of trees submitted prior to any works being carried out on the trees.

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)

20 Position Statement - Application No: 2016/92055

The Committee received a position statement in respect of Planning Application 2016/92055 – Erection of 109 dwellings with associated works at land to the east of Crosland Road, Lindley and were invited to comment upon the application.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Paul Thornton (on behalf of the applicant).

RESOLVED –

That the Position Statement be received and noted.

21 Exclusion of the Public

RESOLVED –

That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business, on the grounds that it involves the likely disclosure of exempt information, as defined in Part 1 of Schedule 12A of the Act.

22 Planning Application - Application No - 2014/62/93073

(Exempt information by virtue of Clause 5 of Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 and by virtue of Regulation 21(1)(A) of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000).

The Committee agreed to receive a report relating to land off New Lane, Cleckheaton, as a late/urgent item. The report provided information relating to Counsel legal opinion received in respect of Appeal APP/Z4718/W/16/3147937).

RESOLVED –

That the report be received and noted.

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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.

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: David Wordsworth

Tel: 01484 221000

Report of the Head of Development Management

STRATEGIC PLANNING COMMITTEE

Date: 27-Apr-2017

Subject: Planning Application 2017/90155 Erection of school, formation of outdoor play areas and fenced MUGA and alterations to existing site access and parking Moor End Academy, Dryclough Road, Crosland Moor, Huddersfield, HD4 5JA

APPLICANT

BAM Construction Ltd
C/O Agent

DATE VALID

16-Jan-2017

TARGET DATE

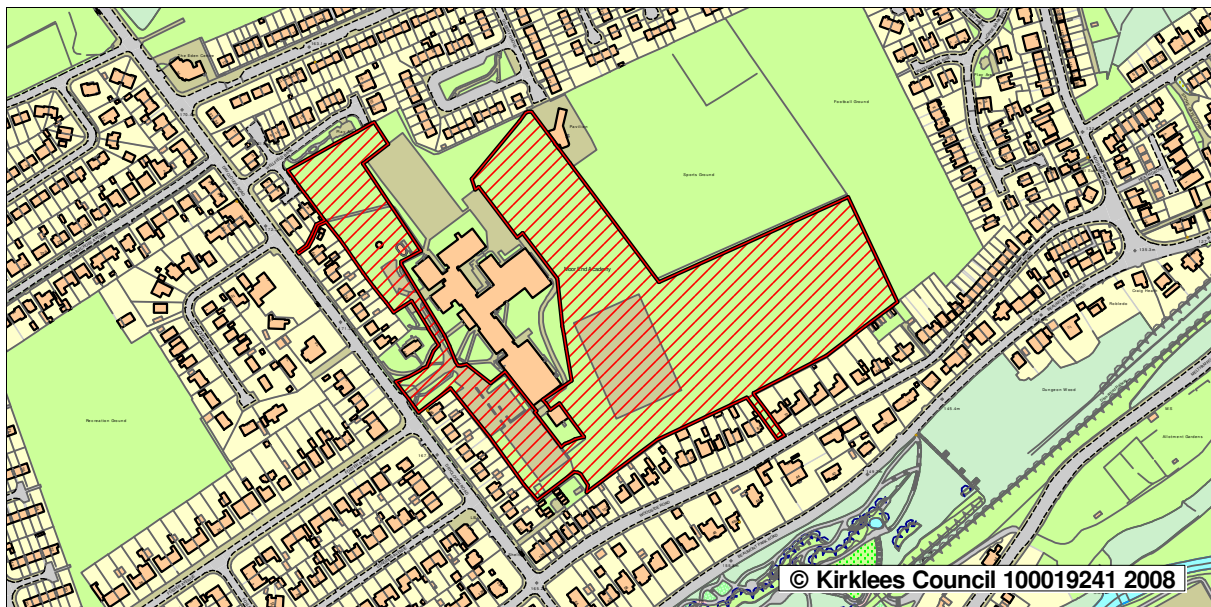
17-Apr-2017

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: Crosland Moor and Netherton

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 application was received as valid on the 16th January 2016. Full planning permission for the erection of a new primary school with associated outdoor play areas, amendments to the existing access from Dryclough Road and the existing car park to include drop off / pick up facility, creation of a new car park to serve Moor End Academy, the creation of a new fenced 3G sports pitch and new pedestrian access from Woodside Road.

1.2 The application was presented to Strategic Committee on the 30th March 2017 where the committee visited the site in the morning and at the meeting in the afternoon the committee resolved to defer the application for the following details to be brought back to a committee:

- I. Details of the travel plan
- II. Updated noise mitigation measures to protect residential amenity

1.3 The following documents were submitted as part of the planning application package:

- Design and Access Statement
- Playing Fields Statement
- Statement of Community Involvement
- Flood Risk Assessment and Drainage Report
- Transport Assessment including car park assessment
- Travel Plan
- Noise Report Site Investigation Reports
- Phase One Desk Study and Site Geotechnical Investigations Report
- Remediation Strategy
- Arboricultural Report
- Resource Management Plan (including Site Waste Management details)

- 1.4 The application is reported to Strategic Planning Committee as the proposal is non-residential and exceeds 0.5 ha in size. The applicants are BAM Construction who are operating on behalf of Kirklees Council.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is located to the south west of Huddersfield, within the ward of Crossland Moor and is surrounded by the settlements of Crossland Moor, Walpole, Lockwood and Beaumont Park.
- 2.2 The application site comprises a total area of 50,705 square metres and wraps around the existing Moor End Academy building that sits within a larger area of playing fields which includes the Muhammad Ali Sports and Community Centre. To the north is the residential estates of Walpole Road, to the east are the residential estates of Moor End Road and Horse Bank Drive, to the south are residential properties on Woodside Road and the west of the site is bordered by residential properties on Dryclough Road.
- 2.3 The site has a significant deviation in gradient, and predominantly slopes from the highest levels in the west from the Dryclough Road end towards the dwellings on Horsebank Drive in the east. The siting of the new school building is located upon the flattest part of the site that was the all-weather sports pitch. The proposed new 3G sports pitch is located to the north of the new primary school within the north east corner of the planning application site.
- 2.4 The vehicular access to the new primary school is proposed to use the existing access to Moor End Academy on Dryclough Road from the west but with some minor modifications to the access point and substantial changes to the internal access and parking areas. A footpath providing pedestrian access is proposed on the southern boundary to Woodside Road. Other existing pedestrian accesses to the site are provided from Dryclough Road, Gilbert Grove and Waterwheel Rise.

3.0 BACKGROUND

- 3.1 Moor End Academy opened in 1972 and was known as Moor End High School. The name was changed in 1999 to Moor End Technology College when it became a Technology College as part of the specialist schools programme. In September 2011 the school gained academy status and became known as Moor End Academy. The current pupil numbers for the Academy is 854 (as per the Pupil Number on Roll Spring Census 2016).
- 3.2 Kirklees Local Authority has a statutory duty to ensure that there are sufficient high quality school places to meet the needs of Kirklees families and communities. This is described as “basic need”. Over the last 12-13 years, the school age population in Kirklees has increased by approximately 20% from the smallest pupil age group (which is now in the secondary schools) to the current reception and pre-school age groups. A similar pattern is repeated in

most urban authorities nationwide. One of the areas where there is a need for school places is in the Huddersfield South West area. The pattern of projected pupil numbers in Kirklees has been published in the document “Securing sufficient school places to enable access for children and young people to an excellent local education system”.

- 3.3 On the 8th April 2014 Kirklees Cabinet approved the commissioning and delivery of three new schools with the aim of providing between 840 and 1260 new primary school places. The first of the three new school buildings in the grounds of Royds Hall Community School (which is an all through school for pupils aged 4-16) was delivered and handed over on 27th June 2016 and will provide 420 new pupil places for pupils aged 4-11. The second of three schools to be commissioned and delivered by the Council is Beaumont Primary Academy on the Moor End site.
- 3.4 The temporary modular buildings (planning application 2016/90499) granted in 2016 on the Moor End Academy site can accommodate up to 180 pupils. 90 places are currently available for Reception pupils, with scope for another 90 places to be created for September 2017 to accommodate the new tranche of pupils entering reception classes. So in total, 180 pupils could be accommodated in the temporary modular buildings up until July 2018. If planning approval is received for the new permanent Primary school building, these 180 (maximum number) pupils will vacate the temporary modular buildings and be moved into the new permanent building and will progress into Years 1 and 2. At the same time, from September 2018, an additional tranche of 90 pupils (max figures) will be enrolled into Reception classes in the new permanent building.
- 3.5 Therefore from September 2018, there will be a maximum of 270 pupils attending the new Beaumont Primary Academy permanent building. These figures will grow year on year until the school reaches full capacity of 630 in 2022.
- 3.6 When the school has relocated from the modular buildings into the new permanent building, the modular buildings will be moved off site, which is to be controlled by condition.

4.0 PROPOSAL:

- 4.1 The application seeks full planning permission for the erection of a new primary school with associated outdoor play areas, amendments to the existing access from Dryclough Road and the existing car park to include drop off / pick up facility, creation of a new car park and the creation of a new fenced 3G sports pitch. The proposal includes new pedestrian access or enhancements from Woodside Road, Gilbert Grove, Waterwheel Rise and Dryclough Road.
- 4.2 The applicants state within the Design and Access Statement that the proposed development of Beaumont Primary Academy building seeks to:
- Provide 630 additional primary aged school places;

- Provide modern, flexible, attractive facilities to give 21st century learning environment;
- Create an inspiring, supportive and caring environment
- Be socially and educationally inclusive;
- Improve specialist provision for care and welfare;
- Create a building and environment that reflects the importance of Learning, Achievement and People.

4.3 Engagement with statutory consultees, including Sport England was undertaken by way of formal meetings and on-going written and verbal correspondence led by the project managers at Kirklees Council. Correspondence has been had with Planning, Highways and Sport England in the lead up to submission.

4.4 The proposal involves the creation of the following amounts of floor space:
 Gross internal areas of the proposed primary school are as follows:
 Ground Floor GIFA: - 2013 m²
 First Floor GIFA: - 1340 m²
 Total GIFA - 3353m²

Operational hours- It is anticipated that the new Primary school's core term-time operational hours will be Monday to Friday: - 7.30am – 5.30pm and closed on Saturday & Sunday. Staggered start and finish times are also proposed which will differ from the start and finish times of the adjacent Moor End Academy. These details are shown at paragraph 11.21

5.0 RELEVANT PLANNING HISTORY:

5.1

- 2016/92020- Erection of modular building- Approved 11/08/16
- 2016/91168- Erection of single storey modular classrooms- Approved 06/06/16
- 2016/90499- Erection (750m sq) of portable modular buildings- Approved 13/05/16
- 2014/91617- Installation of single storey temporary classroom- Approved 04/07/14
- 2013/91564- Erection of two storey extension- Approved 12/08/13.

6.0 HISTORY OF NEGOTIATIONS:

6.1 A consultation response from Sport England required the proposal to be amended to include:

- Floodlights added to the designs and planning permission operating hours enable evening and weekend use.
- A Community Use Agreement is in place and agreed with Sport England, Kirklees Council and West Riding County FA.

6.2 Consequently the applicants submitted details of the proposed floodlights and details of community use neighbouring properties were notified in writing.

7.0 PLANNING POLICY:

- 7.1 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:

- 7.2 The site is allocated as Urban Green Space on the Unitary Development Plan Proposals Map. The following policies are the most relevant

D3 – Urban Greenspace
BE1 – Design principles
BE2 – Quality of design
E23 – Crime prevention
NE9 – Retention of mature trees
T10 – Highway safety
G6 – Land contamination
EP11 – Ecological landscaping
EP4 – Noise sensitive development

Supplementary Planning Guidance / Documents:

- 7.3 None Applicable

National Planning Guidance:

- 7.4 National Planning Policy Framework:

Part 1 – Building a strong, competitive economy
Part 7 – Requiring Good Design
Part 8 – Promoting Healthy Communities
Part 10 – Climate change, flooding and coastal change
Part 11 – Conserving and Enhancing the Natural Environment
Part 12 – Conserving and Enhancing the Historic Environment

8.0 PUBLIC/LOCAL RESPONSE:

8.1 The application was advertised by site and press notices and neighbouring properties were notified by letter. 118 letters of representation have been received to date and are summarised below.

8.2 Traffic

- Traffic pertaining to existing schools is already at danger level.
- Dryclough Road is now a no go zone at the start and end of the school day.
- Traffic at this time is erratic and congested.
- Drives regularly blocked by parked cars.
- Car engines left idling while parents waiting for pupils causing pollution.
- In cold weather, exhaust fumes are especially noticeable.
- Buses and ambulances seen stuck in static traffic. (Photos available).
- Pupils at risk from traffic as often not paying full attention.
- point turns regularly undertaken in congested traffic.
- The addition of over 600 pupils and staff will add significantly to the disruption. The pedestrian access on Woodside Road will also increase congestion.
- A few years ago the buses stopped using this route because of congestion. Significant risk to children's lives.
- The staggering of starting times by 15 minutes will not address this problem
- Residents will suffer from excessive travel times for appreciable periods. Extensive road improvements will be required which in the end.
- Increased traffic - there are already 5 educational establishments on this road and they cannot manage the the traffic now

8.3 Residential Amenity

- Excessive noise due to increased traffic
- An increase of noise levels from extra cars, buses, children and parents travelling to and from the school
- Loss of amenity for residents as to be able to go about our daily business.

8.4 Character

- The community will lose urban green space by building on the playing fields,
- Loss of visual amenity and access to playing fields
- The development will change the look of the area and will reduce the amount of playing fields available to the existing schools and community.
- There is already a dense amount of schools in this small residential area (off Dryclough Road) there is already Oak Primary (formed by the merger of 3 schools approx 1100 pupils, and Moorhead Academy approx 1200 pupils (with additional six form) and The Eden Foundation Education Centre , and now this proposal to add another primary school for 630 pupils
- Loss of trees

8.5 General

- Do the statistics warrant a school of this size being sited here that does not seem to have the catchment area to justify it
- There was also the talk of a new car park on the school property.
- St Luke's site is a far better location and would be 'walkable for many children It completely defied all credible logic please don't make that its lasting legacy Why do we need another school when the forecasted school capacity for HD4 shows this is not required.

8.6 Residents group named Dryclough Woodside Area Residents Group (DWARG) submitted a number of documents outlining their objection to the scheme which are summarised as follows:

- Removing 25% of the available Urban Greenspace cannot be deemed a "small part".
- There is insufficient documentation within the existing Planning Application to ascertain if there are further contraventions to UDP Policies if the Sport England conditions are met
- Dispute that a 630 place school is required in this location or that a new primary school is required in HD4 at all
- Does not meet the demands of Kirklees UDP Policies G4, D1, D3, NE9, BE1, BE22, BE23, EP6, EP30, T1, T2, T10, T14, T17, C2, R1, R7A, PPS23 Para 2, and PPG24 Para 1
- Effects of parking and congestion on local roads
- Levels of congestion being further compounded without any effective mitigation measures
- Belief that existing bus services are diminished due to the current levels of congestion
- Speeding traffic
- Inconsiderate parking
- Three point turns in main roads causing further blockage of traffic
- Pollution generated by congested traffic and parked vehicles with idling engines.

8.7 With regards to the amendments received relating to the proposed erection of floodlights around the 3G pitch and the community use agreement as required by Sport England DWARG made the following comments:

- Floodlighting of the MUGA pitch and the potential for 7-day access, including evenings, could result in unacceptable noise or light pollution.
- The drawing showing the theoretical light pollution from the floodlights demonstrates that there will be excessive light permeating towards the houses on Gilbert Grove.
- Significant lighting pollution for occupants of houses on Dryclough Road caused by new lights within the proposed car parks.
- increased use in the evenings and at weekends of the new 3G pitch by community and sports groups.
- The latest submission further adds vehicles accessing the school and surrounding roads to use the sports facilities out of school hours.

- Transport and Travel Plans are woefully inadequate to deal with the proposed new development
- Gridlocked roads, blocked access to residences, and potentially dangerous road crossings, these out of school issues will arise because of the success of Beaumont Park as a visitor attraction and as a focus for weddings and other events.
- Growing use of local roads to avoid Blackmoorfoot Road, Meltham Road and Swan Lane/Park Road.
- No provision for safeguarding established wildlife.
- Request reasonable time limits are placed on the noise, including access and usage times.
- Secondary light pollution will affect properties.
- There is potential for noise as early as 07.00 and as late as 23.00 from users of sports facilities. These hours need to be significantly reduced
- The response from Kirklees Pollution & Noise Control on the proposed EV recharging plan is not adequate as it relies too heavily on a flawed traffic assessment and inadequate travel plan.
- Paragraph 1.4 of Document BAMY3007 Planning Statement states that there is an Ecological Report submitted with the application. Beaumont Park, which is less than 200m away from the proposed site
- Many sightings of bats during the summer months and has a large number of bat boxes installed on its trees.
- The installation of 6x 15m floodlights could be detrimental to the bats 'habitat, a bat survey will establish the facts and the applicants have a statutory duty to undertake one.
- Roosting sites in trees (to be felled for the development).

8.8 DWARG addendum/comments upon the Ecological report reference 6804 dated November 2015 submitted by the applicants are summarised below:

- The bat surveys carried out on two days in September 2015 is Inadequate. These surveys were carried out over two consecutive nights instead of spread equally over the optimum period.
- Surprised that a proper bat survey was not carried out during the optimum times for such a survey in 2016 to ensure that bats would not be disturbed by the new proposed development.
- In the light of the amended application, which included the new requirement for a floodlit playing area, we request that the development is postponed to await a full bat survey.
- ECUS clearly referred to the importance of the advice of an ecologist checking on bat roosts in advance of tree felling. This is contained in their arboricultural report, which the applicants have failed to take into account before felling established trees in late February.
- Unable to take advice in the time available and feel the process has been unsatisfactory, bearing in mind we requested access to this document in writing on 8th February and 17th March.

8.9 DWARG submitted a addendum in respect of Kirklees Highways DC consultation response made available on 22nd March. The objections focus on the following areas: Methodology and inadequacy of mitigation

I. Methodology

- Whereby travel to school data from Oak Primary is used to establish a projected modal split for travel to school at Beaumont Primary Academy.
- The new school will be a more significant traffic generator than Oak Primary. Although a minority of the 630 places will be filled by children from the Beaumont Park / Crosland Moor side of HD4, the new academy will draw a majority of children from an area that is more extensive than Oak Primary's catchment.
- Drawing of children from outside the effective 'walk to school' area will contribute additional traffic. The status of Beaumont Primary as an academy will also allow it to seek pupils from an even wider area than "South West Huddersfield."
- Only one-third of the children likely to attend Beaumont Primary Academy would live within an effective walk to school area (mostly in the Beaumont Park / Crosland Moor /Lockwood area of HD4).
- Approximately 400 children travelling to school by car which allowing for some degree of shared use of vehicles, creates a traffic flow that is approximately double the consultants estimates, and these would be twice per day

II. Inadequacy of the mitigation

- The proposed drop-off facility within the school grounds will be limited by the inability of traffic leaving the access road to enter into Dryclough Road at peak time
- Volume of traffic at peak times is underestimated in the applicants consultant's assessment
- Our 10 traffic surveys undertaken between showed a flow of between 500 and 700 cars into Dryclough Road in the 8am-9am and 3pm-4pm periods
- traffic flow into and out of the area would rise to 800 –1000 cars twice per day at peak times, assuming a, conservative, additional flow of 300 cars from the planned school.
- One result of this saturation at peak time is that it deters cycling, and pedestrian access to schools due to safety fears, and results in delays to scheduled bus services,

- We would have expected obligations on the developer to fund the measures required to promote walk to school and road safety - improving footpaths, creating pedestrian crossings, reducing traffic speeds by traffic calming and measures to penalise parking on footways.

8.10 **Member Representations Received:**

Cllr Erin Hill submitted the following comments on 28/02/17:

“During the course of this application, I have met with members of DWARG and the head teacher of Beaumont Primary. On balance, while I fully appreciate some residents’ concerns, I feel that the need for the school in this area is very real, and that a new school would be of net benefit to the area. Many constituents contact me every year as they have been unable to secure a school place in their area, and I know that lots of children living near the proposed new school already have to attend school further away from their home than they would wish. I therefore support the building of a new school on the site. This will be of benefit not only to the children and parents who attend, but also the wider community, as the management of the new school are committed to making a real contribution to their community beyond the walls of the classroom. However, this is an area where traffic is a big issue particularly at dropping-off and picking-up times.

The environmental concerns that DWARG have highlighted are valid, and I would like reassurance that these considerations will be dealt with, and will seek to work with residents and the school to make sure that this is managed sensitively and that the dedicated drop-off zone is used. I believe that the plan is for phased forms of entry which will lessen the immediate impact. Mitigation of these issues should be considered at every stage, in consultation with local residents and ward councillors.”

9.0 **CONSULTATION RESPONSES:**

9.1 **Statutory:**

Sport England:

Originally responded with a Holding objection subject to the following:

- Floodlights added to the designs and planning permission operating hours enable evening and weekend use.
- A Community Use Agreement is in place and agreed with Sport England, Kirklees Council and West Riding County FA.

However, Sport England subsequently confirmed in writing on 29.03.17 that the objection has been lifted subject to the conditions proposed.

KC Highways: No objections subject to conditions:

9.2 **Non-statutory:**

KC Ecology:

No objections subject to the following conditions:

- Method statement for the control of invasive non-native plant species
- Landscape and ecological management plan
- Lighting design strategy for biodiversity” for the new building and sports pitches

KC Environmental Services:

Air Quality-No objections subject to condition

Noise- Advise condition to minimise disturbance to nearby residents from noise restricting the hours of use of the 3G pitch and sports pitches to 0800 to 2100 Monday to Friday and 1000 to 1700 Saturdays and Sundays with no activities on Bank Holidays.

Construction activity is also to be conditioned and restricted to 07.30 and 18.30 hours Mondays to Fridays 08.00 and 13.00 hours Saturdays.

Light- Advise condition preventing the use of floodlights operated between the hours of 2130 and 0800 Monday to Friday, 1730 and 0800 Saturdays and Sundays. To reduce problems of glare from floodlights and security lights, such lighting should be installed and maintained in accordance with the “ Guidance Notes for the Reduction of Light Pollution” produced by the Institution of Lighting Engineers.

Contaminated Land- Advise conditions to control the remediation strategy and validation reports.

KC Trees: A small number of trees require removal to facilitate this proposal. None of the trees affected are protected by a Tree Preservation Order (TPO) or meet the criteria for a new TPO to be served. Therefore, there are no objections to the scheme providing that a condition for a landscaping scheme to include some mitigating tree planting is included if planning permission is granted.

Kirklees Flood Management & Drainage:

No objections subject to conditions regarding soakaways and drainage. Additionally advise that further testing is required at detailed design stage to determine whether to use infiltration or not.

Crime Prevention:

Police Architectural Liaison Officer (PALO)

Details of measures to ensure the proposed school facility complies with the requirements of “secured by design” will be controlled by attaching a condition that requires the applicants to meet the specific security needs of

the development site.

Yorkshire Water:

No objections subject to a condition regarding piped discharge of surface water

10.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Trees

11.0 APPRAISAL

Principle of development

- 11.1 Members may recall planning application 2016/90499 that sought full planning permission for the erection of (750 square metres) of portable modular buildings at Moor End Academy. These buildings were required in order to accommodate new pupils in the interim before the new primary school was built. There was a requirement for temporary modular accommodation for up to 18 months, with up to 90 pupils commencing school September 2016 and up to another 90 pupils in September 2017. The principle of development for a permanent school building on Urban Green Space in accordance with Policy D3 of the UDP, was also accepted by Strategic Committee Members under application no. 2015/90564 within the grounds of Royds Hall Community School.
- 11.2 The site and the existing academy are located on an area of land that is allocated as Urban Green Space (UGS) on the Unitary Development Plan (UDP) Proposals Map. On such areas policy D3 of the UDP applies. The community benefit element of the policy is not consistent with considerations of the National Planning Policy Framework (NPPF) particularly paragraph 74. However, the majority of the policy is in accordance with the NPPF. As such, policy D3 of the UDP should be afforded significant weight.
- 11.3 Policy D3 of the UDP stipulates that permission will not be granted unless the development proposed is necessary for the continuation or enhancement of established uses, or involves change of use to alternative open land uses, or would result in a specific community benefit, and in all case will protect visual amenity, wildlife value and opportunities for sport and recreation, or that it includes alternative provision of urban greenspace equivalent in both quantitative and qualitative terms to that which would be developed and reasonably accessible to existing users.
- 11.4 The proposed erection of a new primary school building within this existing school site is considered to be necessary for the continuation and enhancement of the established educational use, for it to continue to serve

the needs of Kirklees residents. The principle of erecting a new Primary School building is considered to be acceptable and in accordance with policy D3 of the UDP.

- 11.5 In addition to the above, paragraph 72 of the NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. It stipulates Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. Local Authorities should give great weight to the need to create, expand or alter schools; and to work with schools promoters to identify and resolve key planning issues before applications are submitted.
- 11.6 The principle of development has been objected to by residents who consider that a new primary school is not required in HD4 area at all.
- 11.7 The applicants responded to these comments that was included within the committee update and is included below:

The document 'Securing Sufficient High Quality Learning and Childcare Places – School Organisation, Planning and Development for 2015 – 2018 is available on the Kirklees website:

<http://www.kirklees.gov.uk/beta/schools/pdf/securing-sufficient-schoolplaces15.pdf> and provides an analysis of demography across Kirklees in relation to current and future demand for learning places. The document takes into consideration NHS data, changes in birth rate, child population demographics, changes in housing and accommodation, the migration of families between and within local authority areas, local geography and parental preference. An extract from this document states that the Huddersfield South West area (includes the Crosland Moor area) 'has long been identified as needing additional primary provision'. 'For 2016 and beyond it is anticipated that the potential demand for places will show a further increase. This will require additional infrastructure as no capacity exists in any of the school buildings.

- 11.8 *The proposal seeks consent to erect a primary school on an existing playing pitch and involves the replacement of a grass surface with an artificial surface which under Schedule 4 of the The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595) consultation with Sport England is a statutory requirement.*

Sport England's original response dated 14/02/17 constituted a holding objection subject to the following:

- Floodlights added to the designs and planning permission operating hours enable evening and weekend use.
- A Community Use Agreement is in place and agreed with Sport England, Kirklees Council and West Riding County FA.

The applicants responded to Sport England on 07/03/17 and also confirmed details of floodlights for the 3G pitch by submitting amended details. Additionally acceptance of the principle of a community use agreement was given. Neighbouring properties were notified in writing of amended details being received. Sport England have subsequently confirmed in writing on 29.03.17 that the objection has been lifted subject to the following conditions.

1) No development shall commence until details of the floodlighting, fencing, line-marking and construction of the proposed artificial grass pitch have been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The artificial grass pitch shall not be constructed other than substantially in accordance with the approved details.

2) Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the artificial grass pitch and grass playing pitches and include details of pricing policy, hours of use, access by non-school users management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement.

11.9 It is recognised that the community use agreement as required by the second condition required by Sport England includes details of pricing policy, management responsibilities and a mechanism for review:

The applicants have confirmed that the commercial rates at which the 3G pitch will be available to hire will be in line with existing council rates at other sites. Kirklees Council provide sports facilities for hire at the rates below which are currently available at the following sites.

Outdoor Astroturf pitches: Batley STC, Leeds Road, St John Fisher.

Full Pitch (60 mins)	£87.50
1/3 Pitch (60 mins)	£35.00
Outdoor Lights	£10.60

For example: booking the full 3G pitch will cost £87.50 without floodlights and under floodlights would cost £98:10. The rates for the use of the G3 pitch are standard and are subject to the agreement of Sport England through the community use agreement.

Urban Design issues

11.10 The Design and Access statement states that an assessment of the site and areas available to build the new Primary building was undertaken. The site strategy identified various options based on the following key points:

- The existing school must continue to function while construction takes place.
- The optimal position within the site whilst taking account of the changes in the ground levels and retention of existing trees and open spaces.
- Maximize the external play space to ensure we achieve adequate BB103 external play/ external learning spaces for Primary provision.
- Site boundaries and adjacent residential properties.
- Existing access points to achieve suitable pupil entrance pick-up / drop-off area for peak times and resolve the current traffic/ pedestrian conflict on Dryclough Road.
- Provide clear separate vehicular turning area and pedestrian entrance.
- Provide a welcoming frontage that celebrates the new primary school and community facilities the scheme will offer.

11.11 *Scale:* The scale of the school building was defined by the decision to plan the layout over 2 floors so to respond to the existing 2 storey residential units surrounding the playing fields. The separation distances of the building from the dwellings surrounding the site is acceptable so not to adversely impact upon the residents in terms of loss of light or overshadowing or indeed loss of outlook. The positioning of the building on the former all weather pitch to the south east of the high school enables the structure to sit within the wider open space reducing the prominence of the building.

11.12 *Layout:* The building adopts a 'L' –Shaped form with 2 arms of teaching accommodation in each. The principle entrance is positioned in the eastern elevation

11.13 *Use:* Primary use is as a primary school but community use of certain parts of the new school will be included.

External appearance: Elevations: Facing brickwork on masonry cavity wall construction; Through-colour white render on SFS cavity wall construction; Feature colours to render between windows. Glazing: Polyester powder coated aluminium thermally broken curtain walling system; Double-glazing units; PPC aluminium framed thermally broken window inserts; PPC aluminium framed thermally broken glazed door units.

- 11.14 The design is considered to be functional and is appropriate for its setting within the wider area of green space and adjacent to an existing educational facility and is appropriate in terms of scale, appearance and visual impact.

Residential Amenity

Noise:

- 11.15 Submitted as part of the application was a Noise Impact Assessment. The council's Pollution & Noise Control department were consulted and raised no objections. Strategic Planning Committee on 30/03/17 deferred the application to receive further details of mitigation measures to protect residential amenity from noise. The applicants submitted an updated Noise Impact Assessment on 10/04/17 that concluded that the operation of the proposed MUGA and play areas is unlikely to cause an adverse impact on the nearest residential properties to the south, however an introduction of noise mitigation measures would likely be required for the 3 properties to the North of the proposed 3G pitch. The details of the proposed noise mitigation measures are as follows:

The most appropriate measure to mitigate the noise to conform to WHO guidelines would be the erection of an acoustic barrier. The screen would need to be at least 2.2 metre high, entirely imperforate and constructed from a material (timber or steel) providing a minimum mass per unit area of not less than 12 kg/m². If timber is used, a double leaf arrangement should be adopted with staggered panels to ensure the system is imperforate. There should be no gaps between ground and underside of the barrier. The barrier should be installed continuously along the northern MUGA pitch boundary, outside of the perimeter mesh fence, extending at least 2 metres beyond the edge of the MUGA pitch both sides.

- 11.16 Kirklees Pollution & Noise Control commented as follows:

The additional information supplied by the applicant is satisfactory however in order to minimise disturbance to nearby residents from noise from the MUGA and Sports Pitch the hours of use is recommended to be restricted to 0800 to 2100 Monday to Friday and 1000 to 1700 Saturdays and Sundays with no activities on Bank Holidays. A further condition is required to control the hours of operations during the construction period. The following hours are proposed: 07.30 and 18.30 hours Mondays to Fridays, between 08.00 and 13.00 hours Saturdays with no working Sundays or Public Holidays.

- 11.17 A additional condition is required to ensure that the acoustic barrier is installed in accordance with the details specified within the updated Noise Impact Assessment by Hann Tucker dated 10 April 2017 prior to the use of the 3G pitch commencing. The position of the acoustic barrier is shown on the attached plan within the appendix of this report.

Light:

- 11.18 The details regarding floodlighting were submitted by the applicants on 07/03/17 and Environmental Services officers were consulted and commented as follows:

The information supplied regarding floodlighting on site, this is satisfactory but I am concerned about that there are no specified hours of use for the areas that are to be floodlit. I therefore recommend that the floodlights hereby approved shall not be operated between the hours of 2130 and 0800 Monday to Friday, 1730 and 0800 Saturdays and Sundays. To reduce problems of glare from floodlights and security lights, such lighting should be installed and maintained in accordance with the "Guidance Notes for the Reduction of Light Pollution" produced by the Institution of Lighting Engineers (telephone 01788 576492).

Tree issues

- 11.19 Some existing trees on the site were felled by contractors on behalf of Kirklees council. A statement was released in the local press as follows.

"The trees have been felled prior to the bird nesting season as to undertake the works in April / May would not be allowable and would therefore have impinged on the delivery of the new build school for September 2018, should planning permission be granted when it is considered at Strategic Planning Committee in April. The trees are not the subject of a preservation order or within a conservation area and therefore their removal did not require prior permission".

- 11.20 The council's tree officer commented that there are only a small number of trees require removal to facilitate this proposal. None of the trees affected are protected by a Tree Preservation Order (TPO) or meet the criteria for a new TPO to be served. Therefore, there are no objections to the scheme providing that a condition for a landscaping scheme to include some mitigating tree planting is included if planning permission is granted.

Highway issues

- 11.21 Since the application was deferred at Strategic Planning Committee on 30/03/17 the applicants submitted further details regarding the travel plan. Kirklees Highways DM considered this information and commented as follows:

The application is to develop the new build Beaumont Primary School (BPS) on land within the Moor End Academy site at Crosland Moor, Huddersfield. Both will operate side by side. Vehicular access to the site is off Dryclough Road. Highways related documents submitted with this application are as follows:

- *Transport Assessment ref: 9231/001/01 dated December 2016;*
- *Travel Plan ref: 9231-002-03 dated April 2017;*

- *Additional information letter dated 15th March 2017.*

The BPS will have a Gross Internal Area of approximately 3,350m² and will eventually accommodate up to 630 pupils. Teaching and support staff is to total 59 on full occupation predicted to be in 2022.

The application also features additional elements including a new drop-off / pick-up area providing circa. 86 spaces, new and / or enhanced pedestrian access points from surrounding residential streets, an improved site access and junction with Dryclough Road and enhances walking routes on Dryclough Road in the immediate vicinity of the site access.

Existing Conditions:

The existing Moor End Academy has approximately 1000 students. There is a single vehicular access off Dryclough Road providing access to a 110 space car park for staff use. There is also a pre-school nursery on-site. The car park is fully utilised on a typical day. Servicing of the site is also through this access and generates approximately 10 deliveries per day with refuse collections typically twice per week. The applicant has undertaken surveys of vehicular and pedestrian movements along Dryclough Road and on-street parking within a 500m radius of the main site access junction to ensure that the current baseline conditions are understood.

Traffic volume, pattern and timing of traffic associated with the operation of the Moor End Academy are not expected to change. This is characterised by staff arrivals spread over a period well before the school start time and well after the school finish time. A total of 88 two-way vehicles were counted entering / exiting the school in September 2015. The propensity for students to walk to school from the local catchment area is high and drop off activity along Dryclough Road is limited. Surveys show that the level of on-street parking associated with drop-off reached 32 vehicles in the AM period and 41 vehicles in the afternoon pick-up period.

Proposed Vehicular Access Arrangements:

The existing access is proposed to be widened to 6.0 metres and new kerb radii of 15 metres provided to accommodate the intensified use of this access. It is also proposed to increase the 'School – Keep Clear' yellow line markings to maintain the required sight lines of 2.4 x 43 metres.

Proposed Traffic Flows:

It is noted that there is a greater degree of drop-off / pick-up associated with a primary school due to the age of the children. The new BPS will share the same catchment area as Oakes Primary School and Dryclough Infants School and therefore these existing schools provide good models for estimating the mode of arrival that can be expected at BPS. This suggests that 48% of pupils will walk, 45% will arrive by car and 6% will arrive by bus. Translating this into car numbers, after allowing for siblings at two per car, equates to an estimate of 171 car trips generated upon full school roll.

The take up of school places will be on a year by year basis as follows:

- *September 2017 – approximately 180 pupils;*
- *September 2018 – approximately 270 pupils;*

- September 2019 – approximately 360 pupils;
- September 2020 – approximately 450 pupils;
- September 2021 – approximately 530 pupils;
- September 2022 – approximately 630 pupils.

The catchment area has been divided up into four distinct areas which, if equally split, will be the origin of 42 vehicles each. These areas exhibit a variety of routes available to access the school and therefore the impact of the extra traffic at key junctions is expected to be minimal. The use of breakfast and after school clubs on the site will further reduce the impact at the peak times.

Accidents and Safety:

An analysis of the most recent five year accident statistics have been presented by the applicant. These show a low level pattern of accidents, particularly at the main junctions along Dryclough Road. Some accidents have occurred involving children stepping out into the road but none have occurred in the vicinity of the proposed site access. It is expected that the primary school children will be accompanied to the school and therefore risks of accidents will be minimised.

Proposed Parking Arrangements:

A new car park is to be formed on the north side of the access road. This is to act as a direct replacement for the existing 110 space car park for Moor End Academy staff use. The vacated space will then be used to provide a new drop-off / pick-up area and car park for the new primary school accommodating 86 spaces. The worst case scenario is that all vehicles arrive at the same time which equates to 171 cars which would mean that 85 cars would have to park on-street outside the school premises. The applicant has demonstrated that this level of parking can be accommodated on-street within a 500 metre radius of the school entrance. However, for the reasons explained above, the rate of arrival and pick-up is expected to be spread over a longer period and it is expected that most of the drop-off / pick-up will be achieved within the school premises.

Pedestrian Access Routes:

The pedestrian access routes adjacent to the main site access provide segregated access. These main pedestrian access routes are supplemented by proposals for enhances or new access from Woodside Road, Gilbert Grove, Waterwheel Rise and Dryclough Road.

Servicing Proposals:

Servicing activity associated with the new primary school is expected to be minimal and coordination with the servicing of the existing Moor End Academy will minimise servicing trips. A management plan is to be prepared that will control when servicing can take place to maintain public and pupil safety.

On-Site Issues:

Swept path analysis has been presented by the applicant to demonstrate how coach access and refuse vehicles can be accommodated within the site. The layout of the site is such that the swept paths for these vehicles does relay on overrunning some of the parking spaces. This is acceptable providing that management of parking is provided.

Use of Sports Facilities out of School Hours:

If the school sports facilities were used out of school hours, the traffic generation expected with this type of use would be relatively low. By definition, the use of the facilities has a limit in terms of participants. Given that the generation would be in the evenings or at weekends, Highways have no concerns about congestion on the highway network. Also, there is a large supply of parking proposed within the school grounds and therefore all will be able to be accommodated within the school grounds.

Travel Planning:

A travel plan has been submitted with the application which provides the necessary commitment to promoting sustainable travel characteristics. The travel plan covers the whole site (BPS and Moor End Academy) and therefore is able to influence travel behaviours associated with the current use of the site as well as the proposed use of the site.

The travel plan aims and objectives are to minimise staff and pupil single occupancy vehicle trips and to encourage travel by sustainable modes. The travel plan seeks to establish a culture of sustainable travel at the site from the outset by the implementation of the following initial measures:

- Appointment of a site wise Travel Plan Coordinator;*
- Adoption of a School Charter dedicated to promoting sustainable travel measures;*
- Provision of travel packs to all staff and pupils;*
- Incorporating sustainable travel planning into the school web site;*
- Establishing a local liaison group to provide an opportunity for the local community to comment;*
- Incorporate sustainable transport topics into lesson plans;*
- Using school marshals to supervise and monitor access, parking, drop-off / pick-up and pedestrian access points.*

Sustainable travel modes appropriate to the site use cover walking, cycling, bus and rail, motor cycling and mopeds, car sharing and car clubs. Walking offers the greatest potential to replace short car trips and a variety of measures will be pursued to promote walking including the provision of information on routes, increasing accessibility by providing a number of pedestrian access points from the catchment area, organising and participating in special walk to school promotions and exploring the subject of sustainable transport and the issues surrounding this in lessons.

Cycling is particularly relevant to staff and Moor End Academy pupils and this will be encouraged through the provision of information on routes, the provision of facilities on site for secure storage of bikes and equipment, staff shower and changing facilities, organising and participating in special scoot / cycle to school promotions and exploring the subject of sustainable transport and the issues surrounding this in lessons. The purchasing of cycles by staff through government schemes will also be promoted. Dryclough Road, Walpole Road, Balmoral Avenue and Beaumont Park Road all accommodate bus services which

are within walking distance of the school. These services will be promoted with up to date timetables being readily available for staff and pupils. A single year Metro Travel Card will be made available to staff to encourage the use of this sustainable mode.

The use of motor cycles and mopeds is relevant to staff and this will be encouraged through the provision of facilities on site for secure parking of motor cycles and storage of equipment, staff shower and changing facilities. Car sharing for both staff and pupils offers potential and the Travel Plan Coordinator will promote car sharing including the setting up of a car share database which will pair willing participants, organising and participating in special car share promotions and exploring the subject of sustainable transport and the issues surrounding this in lessons.

A timetable for the establishment and ongoing implementation and monitoring of the travel plan has been provided which includes an annual survey of travel modes, the preparation of an annual report and presentation to Kirklees Council of the findings and the setting of an annual action plan to ensure that targets are met. Actions and timescales are set out in the table below:

<i>Action</i>	<i>Timescale</i>	<i>Who is responsible</i>
<i>Appoint a Travel Plan Coordinator</i>	<i>Prior to the opening of the permanent school</i>	<i>The School</i>
<i>Produce Travel Information Pack</i>	<i>Prior to the opening of the permanent school</i>	<i>Travel Plan Coordinator</i>
<i>Travel Plan Information</i>	<i>Included within enrolment and included on the school's website. Regular newsletter to staff, parents and pupils providing updates</i>	<i>Travel Plan Coordinator / The School</i>
<i>Set up Liaison Group with local stakeholders and the Council</i>	<i>Prior to the opening of the permanent school</i>	<i>Travel Plan Coordinator / The School</i>
<i>Issue School Travel Charter to parents and discuss topic at parents meetings. Advise local residents through the Liaison Group process</i>	<i>Prior to the permanent school beginning each academic year</i>	<i>Travel Plan Coordinator / The School</i>
<i>Set up School Marshals and procedures for vehicular and pedestrian access to the school site</i>	<i>Prior to the opening of the permanent school and annually reviewed</i>	<i>Travel Plan Coordinator / The School</i>
<i>Undertake baseline travel questionnaire surveys (staff / pupils)</i>	<i>Surveys within 3 months once the temporary school accommodation is operational and first year class in place (already completed)</i>	<i>Travel Plan Coordinator</i>
<i>Annual staff questionnaire</i>	<i>Annually</i>	<i>Travel Plan</i>

		<i>Coordinator</i>
<i>Supply results of questionnaire to LPA and advise local residents through the Liaison Group process</i>	<i>Within 2/4 months of undertaking the hands-up and questionnaire surveys</i>	<i>Travel Plan Coordinator</i>
<i>Review compliance with targets, and take appropriate action with respect to Travel Plan measures</i>	<i>After surveys and annually</i>	<i>Travel Plan Coordinator / Local Authority</i>
<i>Include travel matters in parents' evenings and include travel information on school web site</i>	<i>Prior to the opening of the school and annually thereafter</i>	<i>Travel Plan Coordinator / The School</i>
<i>Set up travel notice board and provide information on public transport, walking and cycling etc. Investigate Metro card provision for new school staff</i>	<i>Prior to the opening of the school</i>	<i>Travel Plan Coordinator / The School</i>
<i>Take part in walk to school week and run other school walking/scoot/cycling events</i>	<i>Annually and walking events throughout year</i>	<i>Travel Plan Coordinator</i>
<i>Take part in national Cycle to work week (staff)</i>	<i>Annually</i>	<i>Travel Plan Coordinator / The School</i>
<i>Identify sources of cycle training for pupils and staff and set up events. Investigate Bike Maintenance events and cycle purchase for staff</i>	<i>Annually</i>	<i>Travel Plan Coordinator</i>
<i>Set up walking and cycle buddy schemes for pupils / staff</i>	<i>Annually</i>	<i>Travel Plan Coordinator</i>
<i>Seek information on road safety training for pupils and set up events</i>	<i>Annually</i>	<i>Travel Plan Coordinator</i>
<i>Encourage staff and visitors to cycle to school</i>	<i>Throughout year</i>	<i>Travel Plan Coordinator</i>
<i>Encourage car sharing and assist in identifying staff car share partners</i>	<i>Throughout year</i>	<i>Travel Plan Coordinator</i>
<i>Encourage car sharing for pupils and assist in identifying car share opportunities for parents</i>	<i>Throughout year</i>	<i>Travel Plan Coordinator</i>
<i>Investigate and promote scoot to school initiative</i>	<i>After travel surveys</i>	<i>Travel Plan Coordinator / The School</i>

<i>Engage with the adjacent Oaks Primary School and local residents through the Liaison Group process</i>	<i>Throughout the year at times to be agreed with the Liaison Group</i>	<i>Travel Plan Coordinator / the Liaison Group</i>
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As an initial target, the travel plan will aim to reduce BPS and Moor End Academy single occupancy staff vehicle trips by 10% and pupil vehicle trips by 10% over a five year period.

Where the targets are not being met, the Academy Trust will take action to encourage further mode shift through promotion, incentives and fiscal measures.

The likely transport impacts of the proposal to establish Beaumont Primary School within the site of Moor End Academy have been investigated. The measures proposed including staggered start and finish times, before and after school clubs, provision and management of a drop-off / pick-up facility, the improvement to the site access junction and road and the establishment / enhancement of pedestrian access points all contribute to minimising as far as possible the impacts of the development. On this basis, Kirklees Highways consider the proposals acceptable, subject to suitable conditions.

- 11.22 The proposal is considered to be acceptable and the potential impacts of the scheme have been mitigated so that the benefits of the development outweigh potential adverse impacts upon users of the highway.

Drainage issues

- 11.23 The site is located within Flood Zone 1 of the Environment Agency Online Flood Map. The proposed new building is identified as a 'Non-residential use and is a educational establishment. The development is therefore classified as a 'More Vulnerable' type of development which is considered to be a appropriate form of development within Flood Zone 1 and 2. The requirements of the Sequential Test are satisfied. An Exception Test is not required.

- 11.24 The risk of flooding from groundwater or public sewers is low and there are no reservoirs, canals or other artificial sources identified close to the development site that may cause flooding. A drainage strategy document has been provided detailing the proposed method of surface water disposal which incorporates Sustainable Drainage System (SuDs) solutions and includes an additional 30% allowance for anticipated future climate change. The councils drainage department were consulted and they raise no objections subject to conditions regarding soakaways and drainage and advise that further testing is required at detailed design stage to determine whether to use infiltration or not.

Representations

- 11.25 The responses below address the representations not covered within the main body of this report.

- 11.26 Dryclough road is now a no go zone at the start and end of the school day. Traffic at this time is erratic and congested and drives regularly blocked. Car engines left idling while parents waiting for pupils causing pollution

Response

The mitigation measures proposed to reduce congestion at peak times include staggered start and finish times, before and after school clubs, provision and management of a drop-off / pick-up facility. Highways have not objected on grounds of congestion.

- 11.27 The roads are not set up in such a way that lends itself to the amount of schools already in the area and certainly not more.

Response

The new BPS will share the same catchment area as Oakes Primary School and Dryclough Infants School and therefore these existing schools provide good models for estimating the mode of arrival that can be expected at BPS. This suggests that 48% of pupils will walk, 45% will arrive by car and 6% will arrive by bus.

- 11.28 An increase of noise levels from extra cars, buses, children and parents travelling to and from the school. Loss of amenity for residents as to be able to go about our daily business.

Response

The level of noise attributed to the development is likely to peak at key times corresponding with the start and leaving times of the schools. The levels are not considered likely to have such a significant impact on residential amenity at these times that would justify a refusal of planning permission.

- 11.29 The community will lose urban green space by building on the playing fields, Loss of visual amenity and access to playing fields

Response

The proposed erection of a new primary school building within this existing school site is considered to be necessary for the continuation and enhancement of the established educational use, for it to continue to serve the needs of Kirklees residents. The principle of erecting a new Primary School building is considered to be acceptable and in accordance with policy D3 of the UDP. A significant amount of playing field will still be available even with the new school.

- 11.30 Do the statistics warrant a school of this size being sited here that does not seem to have the catchment area to justify it?

Response

One of the areas where there is a need for school places is in the Huddersfield South West area. Over the academic years 2014/15 to 2016/17 between 840 and 1260 places are required. Existing primary schools are overstretched already and often it is not feasible to extend these further. This

has led to the consideration by Kirklees Council to build a new primary school provision in conjunction with the existing High School at Moor End Academy.

- 11.31 The area local to Crosland moor, Beaumont Park has not had a significant increase in housing building to warrant the new school.

Response

The justification for the new primary school in terms of demand for school places is included within the Design & Access Statement and is referred to in the main body of this report.

- 11.32 The school has spoken about its reach out to the community and its overwhelming support. Our property is adjacent to the main pedestrian entrance to the school and we were not once notified, spoken to, or consulted in any way or form about their plans.

Response

The applicants submitted a statement of community involvement which states that approximately 1,200 leaflets were distributed including hand delivered leaflet drops to local residents, including all neighbouring streets to the site i.e. Dryclough Road, Woodside Road, Walpole Road and Moor End Road. Leaflets were also provided to local schools including Moor End Academy and Existing Beaumont Primary Academy so that pupils could take them home to parents. Whilst community engagement has clearly been undertaken prior to the application being submitted it will not reach all the local residents within the locality.

- 11.33 We already have to vacate our garden when people are playing ball due to the language and people climbing over the fences. So would we have this to look forward to.

Response

The potential harm to existing levels of residential amenity for occupants of residential properties has been considered by the council's Environmental Services department who have advised that subject to conditions they have no objections to the scheme.

- 11.34 The floodlights shining towards our house in the evenings.

Response

The Environmental services department have assessed the details of the proposed floodlights around the 3G sports pitch and recommend a condition controlling times of operation of the floodlights so to protect residential amenity.

- 11.35 The Planning Statement states that there is an Ecological Report submitted with the application however this is not to be found on the Kirklees Planning website for 2017/90155.

Response

The planning statement incorrectly stated an ecological statement was submitted with the application. Whilst an ecological report was not required for the submission the applicants did submit one further into the process.

Planning obligations

11.36 No contributions are triggered as a result of this development.

Other Matters

11.37 Community Consultation:

11.38 Details of the community consultation exercises by the applicants are included within the Statement of Community Involvement document dated January 2017 that was submitted with the application. The public exhibition was held on 13 October 2016 at Moor End Academy. Approximately 1,200 leaflets were distributed including hand delivered leaflet drops to local residents, including all neighbouring streets to the site i.e. Dryclough Road, Woodside Road, Walpole Road and Moor End Road. Leaflets were also provided to local schools including Moor End Academy and Existing Beaumont Primary Academy so that pupils could take them home to parents.

11.39 Local Councillors were invited to the public exhibition and have been made aware of the proposals. Banners and boards presented the proposals, and the project team were on hand to answer questions.

11.40 Attendees at the public exhibition were invited to complete a questionnaire and return when leaving the event. 40 questionnaires were returned. The following questions were asked as part of the consultation:

- 1) Do you support the proposed new school on this site?
- 2) What do you like or dislike about the proposed development?
- 3) What do you think could be improved?

11.41 16 attendees confirmed their support for the proposed new school (40%), 14 attendees said they do not support the redevelopment of the site (35%), three did not know (7%), and 7 respondents did not answer the question (18%). Questions 2 and 3 raised the following issues relating to the proposed development:

- Increase in traffic, concerns of excessive parking
- Location of proposed school
- Design of the school
- The impact of the proposed school on the amenity

11.42 Positive comments were made including:

- Support for the development
- Good design
- Acknowledgement of need for a new school
- Creation of jobs

12.0 CONCLUSION

- 12.1 the NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. The proposed erection of a new primary school building within this existing school site is considered to be necessary for the continuation and enhancement of the established educational use, for it to continue to serve the needs of Kirklees residents. The principle of erecting a school on sites allocated as Urban Green Space has been established by previous permissions and by the provision of community benefits associated with the provision of a school facility.
- 12.2 Consideration has been given to the objections raised particularly on the grounds of adverse impacts upon residential amenity and highway safety through increased levels of congestion and lack of parking provision. The existing highway network is adequate for the increase in traffic associated with the development. Measures are proposed to minimise the potential impacts upon users of the highways surrounding the site and occupiers of residential properties within the vicinity of the proposed development. The location of a primary school on an existing school site is considered to be a more appropriate location with existing sports pitches than a new site with no existing infrastructure.
- 12.3 The proposal is considered to be acceptable subject to the imposition of the conditions below.

12.3 **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
2. Development in accordance with approved plans
3. Highways requirements
4. Sport England requirements 2 x conditions
5. Environmental Services
6. Yorkshire Water
7. KC Drainage requirements
8. Tree Planting scheme
9. Use of 3G Pitch
10. Hours of construction
11. Implementation of Acoustic Barrier
10. Hours of Use of floodlights
11. Contaminated Land requirements
12. Removal of existing modular classrooms
13. Secure By Design

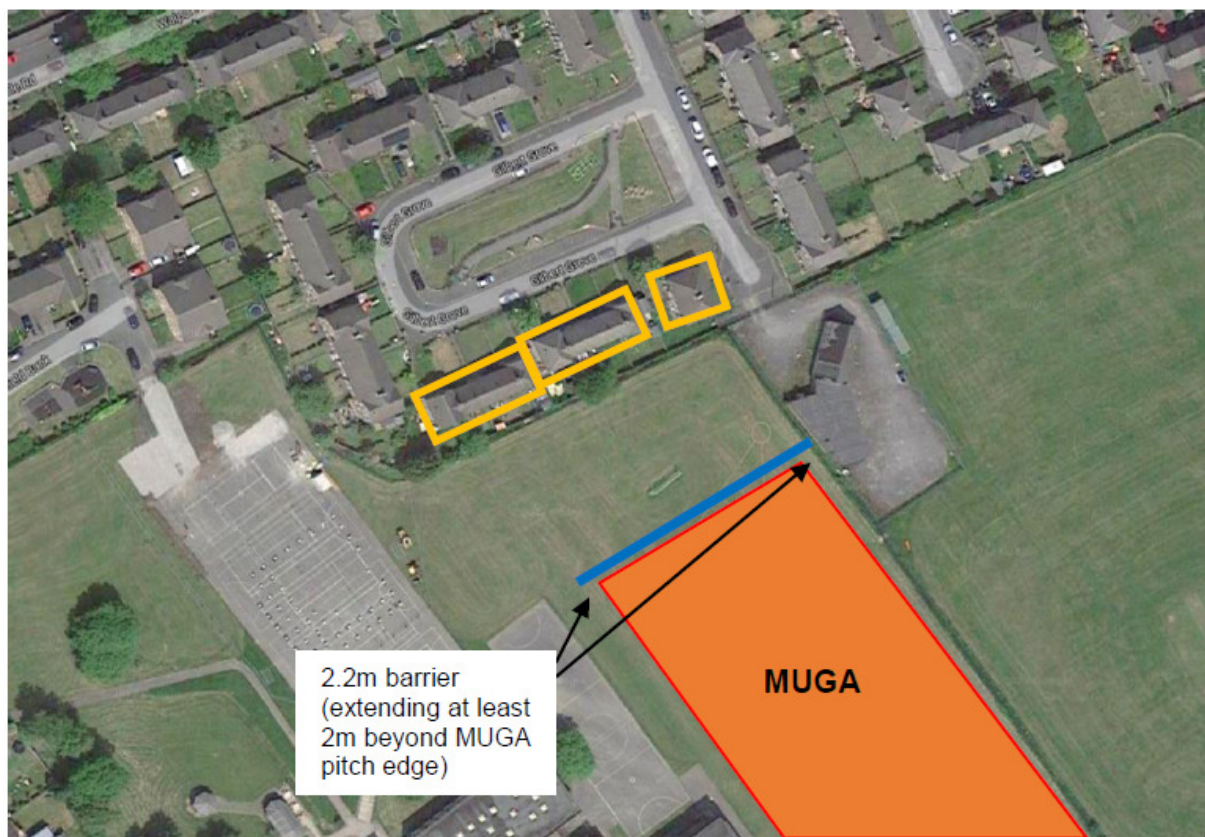
Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f90155>

Certificate of Ownership – Certificate B and Notice served

Appendix below regarding noise



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Report of the Head of Development Management

STRATEGIC PLANNING COMMITTEE

Date: 27-Apr-2017

Subject: Planning Application 2016/93428 Part demolition of existing mills and erection of 45 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

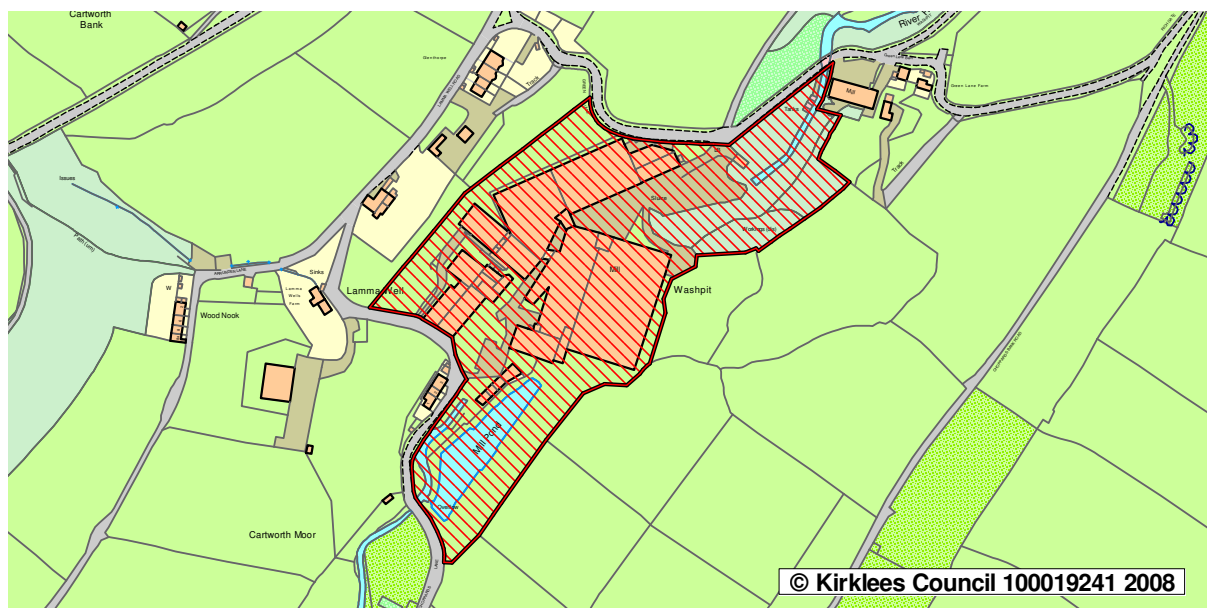
26-Jan-2017

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:

To inform the Planning Inspectorate that the Local Planning Authority would have approved the application had its determination remained within its remit, subject to the conditions referenced in this report and subject to a S106 agreement covering the following matters:

- 1. Financial contribution towards local education provision (£172,658).**
- 2. Financial contribution towards off-site highway works (£50,000)**
- 3. Financial contribution towards bus stop improvement (£5,000) and Metro Card provision (£5,000)**
- 4. Mechanism for the provision and future management of the public open space within the site**
- 5. Future maintenance and management arrangements for the culverted watercourse within the site (River Ribble) and mill pond**

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 application was deferred at the Strategic Committee meeting on 2nd March 2017. Information was missing from the application in respect of highway matters, flood risk and drainage issues and sequential test information relating to main town centre uses. The committee requested that the application be brought back for a decision once these areas of outstanding information had been addressed. This information has now been provided.
- 1.2 At the time of the previous committee meeting an appeal had been lodged with the Planning Inspectorate against the non-determination of the planning

application however the appeal was deemed to be invalid because certain information needed to validate the appeal had not been provided. The Council has subsequently received notification that the appeal is now valid.

- 1.3 In light of the valid appeal the determination of the application now rests with the Planning Inspectorate and not the Local Planning Authority. The application is therefore brought before the committee for a resolution as to what decision the council would have made had the determination of the application remained within its remit.

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 The scheme (as amended) provides a total of 61 residential units comprising 45 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 249 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 Three dwellings have been removed from the row of properties forming blocks J and K in order to prevent building over the culverted section of the River Ribble that runs through the site.
- 5.5 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.

- 5.6 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.
- 5.7 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.
- 5.8 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.

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 (including The Carding Shed business forming part of the scheme), the application was re-advertised by site notices and letters to neighbours and interested parties. A total of 52 representations were 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.

7.2 Following the Strategic Committee meeting on 2nd March 2017 further information was submitted by the applicant in support of the application. Neighbours and interested parties were notified of this by letter. The publicity period expires on 21st April 2017. Four representations have been received to date in response to this additional period of publicity.

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

Highways:

- Significant level of traffic generated because of scale of development
- Local road infrastructure unsuitable
- Highway improvements needed
- Level of parking inadequate
- 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
- Transport assessment based on historic use of site and traffic generated is misleading
- Traffic assessment flawed
- The additional and updated highways information submitted March/April 2017 does not address original highway concerns. Significant concerns remain with the number of houses and the impact on the local highway network, especially at peak times.

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 nuisance from functions associated with The Carding Shed
- Light pollution/lighting should be minimised

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
- POS, footpaths and cycling facilities should be provided
- Publicity of application
- Development will impede an existing field access to the north

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 Flood Management & Drainage – No objections subject to conditions and subject to a S106 agreement for the future maintenance and management of drainage infrastructure including the culverted watercourse and mill pond.

KC Highways – No objections following receipt of further information

8.2 **Non-statutory:**

KC Environmental Health – No objections although consideration of noise mitigation for the residential units closest to the proposed function room is necessary given their proximity

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 £172,658 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.

WY Archaeology Advisory Service – No specific objections raised

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 45 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 café-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 applicant has provided sequential information in relation to the main town centre uses. 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.

10.24 The scale of development is such that an impact assessment is not required (NPPF paragraph 26).

10.25 The sequential information provided in respect of the hotel and offices indicates that there are no sites considered to be suitable and available within Holmfirth town centre or in an edge of centre location that are capable of accommodating the scale of development proposed. This is predominantly as a result of existing uses of land and physical constraints as well as a lack of

land availability of the scale required. Officers accept the assessment's conclusions.

- 10.26 With regard to the Carding Shed, the sequential assessment states that "whilst the business offers a range of facilities its main operation is in relation to classic cars and the workshop. The café and retail offer is ancillary to the main use and not separate from it, and therefore it does not require separate sequential assessment".
- 10.27 Officers recognise that the café-restaurant (with ancillary function room) and retail use are intrinsically linked to the car element of the business and whilst the café-restaurant, and to a much lesser extent the shops, are likely to generate specific trips in their own right it would be unreasonable to seek to disaggregate the different aspects of the business by seeking to locate these aspects within a town centre. Furthermore, the Carding Shed business as a whole has a specific set of operational requirements including a very large floor area and ample parking space for customers and staff. This limits potential town centre sites, especially within the Holme Valley and as such there is very limited scope for seeking to locate the entire business within a sequentially preferable location.
- 10.28 In conclusion, officers accept the findings of the sequential assessment and consider that the impact on the vitality of Holmfirth town centre would not be unduly prejudiced. Furthermore the proposals will 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.

Urban Design issues

- 10.29 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.
- 10.30 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.
- 10.31 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.

- 10.32 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.
- 10.33 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:

- 10.34 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.
- 10.35 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.
- 10.36 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.

Residential Amenity

- 10.37 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.
- 10.38 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.
- 10.39 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)

10.40 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.

10.41 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.

10.42 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 subject to controls over the function room opening hours and operation. Specific consideration has been given to the relationship between the function room and the closest of the proposed new dwellings - dwelling A9 and the apartment block (D)

10.43 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.

10.44 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.

10.45 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)

- 10.46 The proposed hours are considered to be acceptable and can be controlled by condition.
- 10.47 A condition is also considered necessary 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.
- 10.48 Standard conditions are recommended in terms of addressing potential noise nuisance from plant.
- 10.49 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 adequately protected.

Landscape issues

- 10.50 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.
- 10.51 Soft landscaping within the site is relatively limited although this is in keeping with the established character of the mill complex.
- 10.52 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

- 10.53 The development will contribute to the provision of new housing at a time when the Council cannot demonstrate a 5 year housing land supply.
- 10.54 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

- 10.55 The existing site is currently vacant has an established use as general industrial premises (use class B2). The site was last used as a carpet manufacturer. 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.
- 10.56 The existing site benefits from two points of vehicular access from Green Lane and Choppards Lane.
- 10.57 The local highway network of interest comprises Green Lane, Dunford Road, Washpit New Road and Choppards Lane. Among other less beneficial routes, the route most likely to be taken to the site by residents and visitors would be Washpit New Road/Green Lane which connects to Dunford Road.
- 10.58 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.
- 10.59 Following the committee meeting on 2nd March further trip rate analysis of the former use versus the proposed use has been carried out. This now contains a more robust scenario in terms of potential net change in traffic generation.

	Existing B2 Use			Proposed Uses			Net Change		
	Arrivals	Depart	Total	Arrivals	Depart	Total	Arrivals	Depart	Total
AM	76	40	115	35	38	73	-41	-2	-43
PM	22	66	88	42	40	82	+24	-29	-5
24hr Daily	548	541	1,089	250	246	496	-298	-295	-593

- 10.60 Although officers consider that there is an acute discrepancy between the assumed traffic generation of the previous use of the site in planning terms against local knowledge, it is accepted that the existing use class could generate HGV and car borne trips higher than that of the proposal.
- 10.61 Additional information has also been submitted in respect of trip generation specifically for The Carding Shed business.
- 10.62 Details of staff numbers and typical weekday / weekend visitors have been provided. The level of trips generated during the week by staff and visitors is considered reasonable in its assessment, the peak of 300 weekend visitors generating an average 100 two way trips is considered to be generally acceptable.
- 10.63 The busiest times of the day for the Oil Can Café business are understandably during the middle of the day both during the week and at

weekends. This currently sees in the region of 60 covers during the week and 100 covers on the weekend at any one time. Anecdotal evidence suggests that of 100 visitors during a weekday this results in around 50 vehicle trips (one way) and 300 visitors during a weekend day would see around 100 trips (one way).

- 10.64 An assessment of both forward visibility upon the carriageway and vehicular visibility splays at junctions contained within the vicinity of the site have been provided. The assessment concludes that in relation to local context the existing use of the junctions do not encourage high vehicle speeds with drivers proceeding accordingly.
- 10.65 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. There are no existing accident trends that this development would likely exacerbate.
- 10.66 Taking into account the established use of the site, officers consider that the level of traffic that the development is likely to generate could be accommodated on the local highway network without significantly and demonstrably prejudicing highway safety. Local concerns in this regard could not therefore be substantiated as a reason for refusal.
- 10.67 In terms of parking provision, at its busiest The Carding Shed utilises around 85 spaces at its existing site. 80 parking spaces are proposed for the Carding Shed and on balance the level of parking is considered to be acceptable. A further 5 visitor spaces are proposed in close proximity to cater for any overspill. A further 17 visitor spaces are also available throughout the site.
- 10.68 The main thrust of concern with regards to traffic and parking has been the anecdotal evidence suggested with regards to the large, albeit sporadic, events in terms of car rallies that take place at the existing site and the level of traffic and parking associated with such events. Given the nature and scale of these events in relation to the constraints of the outdoor space within the site, the impracticalities of holding sizable events are acknowledged. A condition could be imposed regarding the management of any such events in terms of car park management.
- 10.69 In terms of parking for the other elements of the scheme - including the housing - the level of parking provided is considered to be acceptable.
- 10.70 Access for The Carding Shed workshop is considered acceptable for cars entering being able to turn around within the workshop area internal to the building.
- 10.71 In terms of refuse collection and servicing of the site, the internal road layout will be privately maintained and managed and the applicant is satisfied that it will meet the site's operational requirements.

- 10.72 The main and most appropriate route to the site will be via Washpit New Road/Green Lane. A signage strategy for both pedestrian and highway signage around the locality of the area so as to direct traffic via this route will be required. This is of particular importance for visitors to The Carding Shed.
- 10.73 It is considered that pedestrian connectivity between the site and Holmfirth should be improved. This is to enhance the accessibility of the development by improving links for future residents and visitors and staff of the non-residential uses.
- 10.74 A potential scheme has been put forward by the applicant that would see verges become hard surfaced with a mixture of part tarmac, part stone with continuous white lining rather than a kerb to delineate the carriageway along this route. This would be an improvement and is of an appropriate nature having regard to the rural setting of the route. The proposals will be subject to a detailed design which should take into account pedestrian safety and convenience, lighting, drainage, and signage of the route. The applicant has offered £50,000 towards these works.
- 10.75 The applicant has also offered to provide £10,000 to improvements to existing bus stop facilities and infrastructure. The applicant is proposing the upgrade of the bus stop on Dunford Road at its junction with Washpit New Road to a cantilever shelter. The bus stop improvement is welcomed. Officers also consider that the scheme should provide a proportion of Metro Cards for future residents and staff using the site. This is in order to enable the development to meet wider sustainability objectives in the NPPF and the aims of the submitted travel plan. In response the applicant has suggested that the £10,000 offered for the bus shelter could be split between the shelter and Metro Cards. £5,000 would deliver about 11 Metro Cards. This number of Metro Cards is very low considering the scale of the development. Officers are investigating whether £5,000 could deliver a cantilever shelter and an update will be provided on this.
- 10.76 The additional information submitted has addressed previous concerns raised by Highways Development Management and in conclusion it is considered that the development would not result in any significant and demonstrable harm to highway safety having regard to the established use of the site. The application accords with Policies T10 and BE1 of the UDP.

Flood risk and drainage issues

- 10.77 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).
- 10.78 New development should be steered towards areas at the lowest risk of flooding by applying a Sequential Test. The Sequential Test is applicable to the new build houses that fall within Flood Zones 2 and 3 – this means the

majority of blocks K, J and F. 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.

10.79 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.

10.80 The applicant has provided information in relation to the Sequential and Exception Tests.

10.81 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.

10.82 It is therefore relevant to apply the Exception Test. 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. Whilst the Sequential and Exception tests are 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 the new build dwellings on the site.

10.83 With regard to the second part of the test, information has been provided to demonstrate that those dwellings within flood zones 2 and 3 (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. Officers are also satisfied that the site would not increase flood risk elsewhere having regard to existing run-off rates within the site and the proposed surface water drainage scheme.

- 10.84 When considering the layout of the proposed site a sequential approach should also 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.
- 10.85 A sequential approach to the site layout has been justified following critical analysis of Flood Zones 2 and 3 based on a detailed topographical survey of the site. As a result of this exercise the Environment Agency's Flood Zones 2 and 3 have been remodelled by the applicant and the dwellings fall outside of higher risk areas. This has been accepted by Kirklees Flood Management and Drainage. 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 at least 300mm above the level of the adjacent section of the access road.
- 10.86 Other measures have been provided to mitigate flood risk. The scheme was amended to remove dwellings being built over the culverted section of the River Ribble resulting in three dwellings being deleted and subsequent design modifications to the northern end of blocks J and K as well as the repositioning of block H in order to maintain window-to-window separation distances.
- 10.87 Acceptable stand-off distances between new buildings and the culverted watercourse have also been provided across the site.
- 10.88 A full survey of the size and condition of the culvert (River Ribble) would be required by condition and where some buildings are to be removed it is likely that remedial work will be required. Remedial works would form part of the condition. Long term maintenance of the culvert by a management company will need to be secured by S106.
- 10.89 There is an existing mill pond within the site and officers are satisfied that new parts of the development would be largely unaffected if there was a flood event associated with mill pond. Mitigation of risk to the site as whole is however required and to this end it is deemed necessary for a condition requiring an assessment of the condition of the mill pond with a schedule of repair/remedial works as appropriate to be submitted. A S106 for the future maintenance and management of the mill pond is also deemed necessary in this regard.
- 10.90 Two small tributaries have been identified which enter the site from the north. The proposed layout does not conflict with the location of the tributaries although an assessment of their condition and any necessary repairs is considered appropriate. This can be conditioned.
- 10.91 The proposed surface water drainage strategy is to connect to the culverted watercourse within the site. In principle this is supported by Kirklees Flood Management and Drainage subject to detailed design. The detailed design

will establish the need and extent of any attenuation. The size of the attenuation will be influenced by the further assessment of the culvert's capacity.

- 10.92 Foul drainage will discharge to the public combined sewer crossing the site. Yorkshire Water have not raised any objections to this.
- 10.93 In summary, the additional flood risk and drainage information provided since the Strategic Committee meeting on 2nd March 2017 is such that the layout is supported by officers in terms of flood risk and officers are satisfied that an acceptable drainage scheme can be provided subject to conditions.

Ecology:

- 10.94 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.
- 10.95 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.
- 10.96 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.
- 10.97 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.
- 10.98 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.

- 10.99 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

- 10.100 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.
- 10.101 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 it is recommended that revised details of the walkway are secured by condition to avoid users entering/exiting within the car park.
- 10.102 The nature of the POS provision is suitable for this rural area and will provide an attractive setting for the development.
- 10.103 An education contribution of £172,658 towards local school place provision is required and would be secured by S106.

Representations

- 10.104 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, particularly as a result of the amount of houses and the nature of The Carding Shed business. Considering the established use of the site and its potential traffic generation officers do not consider that such concerns would justify a refusal of the application.
- 10.105 The other main issues raised have been addressed within the relevant sections of this appraisal. One of these concerns which has been raised by a number of objectors relates to the impact on local services and in particular schools. In response, the development triggers a contribution towards education provision at Holmfirth Junior and Infant School and Holmfirth High School. Health facilities are a matter for those providers and cannot be addressed directly through a planning application.
- 10.106 A neighbouring land owner has raised an issue with an existing private field access being impeded to the northern site boundary. The applicant is unaware that such a right exists but in any event this is a private civil matter for the parties concerned to resolve.

Other Matters

- 10.107 Given the previous industrial activities at the site conditions are recommended to deal with land contamination matters.
- 10.108 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.
- 10.109 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.
- 10.110 A small area within the site is identified as a class II archaeological site on the UDP Proposals Map. West Yorkshire Archaeology Advisory Service have been consulted and have not raised any objections or recommended the need for archaeological recording.
- 10.111 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.
- 10.112 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.
- 10.113 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 and off-site highway works to improve accessibility.
- 11.3 Issues with flood risk and drainage, the highway assessment and location of main town centre uses have all been addressed through the submission of additional information.
- 11.4 The development would comply with relevant local policies and is considered to be sustainable having regard to the NPPF taken as whole.
- 11.5 In light of the appeal against non-determination, the recommendation is therefore to inform the Planning Inspectorate that the council would have approved the application had its determination remained within its remit.

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 of The Carding Shed
- 5. Surfacing of car parking areas and curtilage of non-residential uses
- 6. Boundary treatment details
- 7. Detailed drainage scheme including culvert capacity and condition survey with schedule of repairs
- 8. Assessment of mill pond and tributaries
- 9. Temporary drainage scheme
- 10. Drainage relating to fats, oil and grease from restaurant
- 11. Oil petrol interceptor from car parks
- 12. Stand-off distances to culverted watercourse
- 13. Contaminated land and landfill investigation and remediation
- 14. Ecological survey work and mitigation
- 15. New tree planting
- 16. Noise attenuation measures for dwelling A9 and block D
- 17. Management of function suite

Background Papers:

Application and history files.

Website link:

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

Certificate of Ownership – Certificate A signed.

Report of the Head of Development Management

STRATEGIC PLANNING COMMITTEE

Date: 27-Apr-2017

Subject: Planning Application 2017/90180 Erection of 95 dwellings with access from Yew Tree Road and Burn Road Land at Ainley Top/Yew Tree Road/Burn Road, Huddersfield, HD2 2EQ

APPLICANT

Harron Homes, C/O
Agent

DATE VALID

23-Jan-2017

TARGET DATE

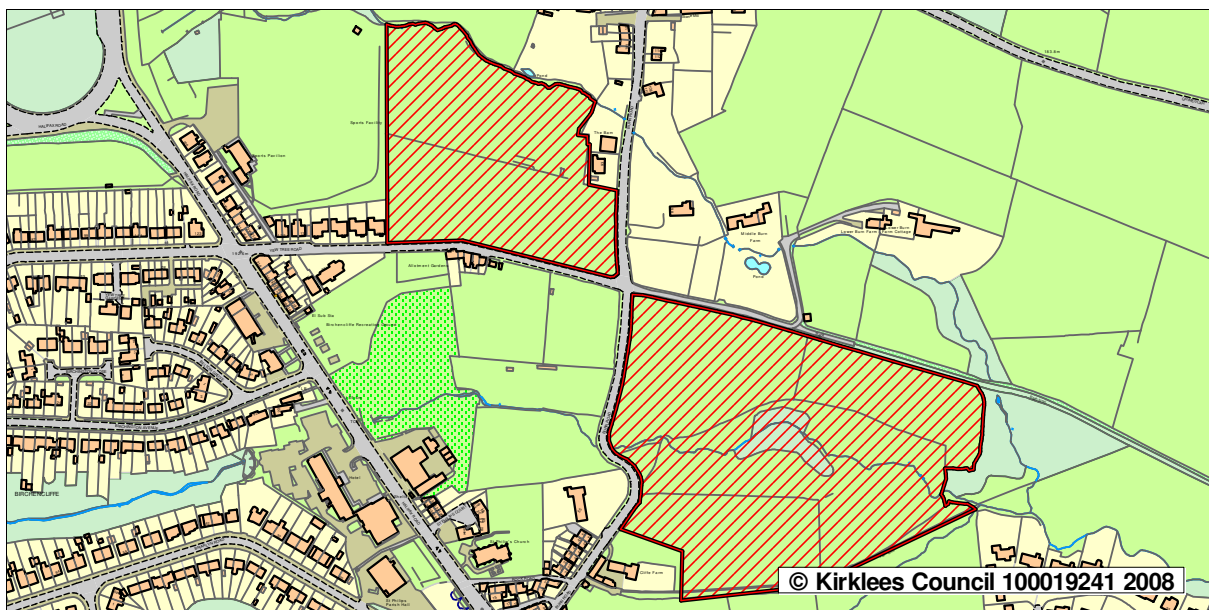
24-Apr-2017

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:

Lindley

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 to resolve technical issues with the remediation of coal mine entries within the site to the satisfaction of The Coal Authority and in order to complete the list of conditions including those contained within this report (and any added by the committee) and to secure a S106 agreement to cover the following matters:

1. Affordable housing provision (number of units & tenure split to be confirmed)
2. Off-site highway works for junction improvements to Halifax Road/East Street junction (£75,000)
3. Contribution towards education requirements arising from the development (£234,752)
4. Contribution towards travel plan monitoring (£10,000)
5. Contribution towards Metro Card provision (£46,659)
6. Contribution to bus shelter upgrade on Yew Tree Road (£10,000)

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

1.0 INTRODUCTION:

- 1.1 The application is brought forward to Strategic Planning Committee for determination in accordance with the Council's Scheme of Delegation because the development represents a departure from the provisions of the Unitary Development Plan and the development exceeds 60 residential units.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application relates to a 7.8 hectare area of agricultural grazing land to the east of Birchencliffe. The site is split into two parcels of land – northern and southern parcels.
- 2.2 The northern parcel lies to the north-west of the junction between Yew Tree Road and Burn Road.
- 2.3 The southern parcel lies to the east of Burn Road and south of public byway HUD/296/40.
- 2.4 The site is currently semi-rural in nature and slopes towards the watercourses that pass from east to west through what is known as the Grimescar Valley.
- 2.5 Listed former farmhouses lie to the north and east of the proposals site while more modern residential development lies to the east (Valley Heights, Valley Drive & Westward Croft). To the west and south-west are more residential properties at the southern end of Burn Road, on Yew Tree Road, and Halifax Road beyond.
- 2.6 A number of areas of trees (predominantly following the watercourses) form part of the application site and are protected under Tree Preservation Orders.
- 2.7 A UDP safeguarded Green Corridor lies immediately to the north of the northern parcel smaller block and skirts the north-east corner of the southern parcel.
- 2.8 The Kirklees Way public footpath cuts west to east between the two sites and public footpath PROW no. HUD/399/10 also dissects the site.

3.0 PROPOSAL:

- 3.1 This is a full planning application for the erection of 95 dwellings.
- 3.2 The northern parcel accommodates 50 dwellings with the main access from Yew Tree Road. Some of the properties will have direct access onto Burn Road. The dwellings are mainly detached with a small number of semi-detached and terraced houses along the road frontages.
- 3.3 The southern parcel accommodates 45 dwellings which are split across two separate elements and divided by fields and woodland, reflecting the topography of the site. One has 30 detached dwellings and the other has 15 large detached dwellings. Each element has a main access off Burn Road. Some of the dwellings will have direct access off Burn Road.
- 3.4 The proposal comprises a mix of 2, 3, 4 and 5 bed dwellings. All dwellings are two storeys in height and proposed to be constructed in artificial stone with concrete tile roof.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2014/93039 Outline application for residential development – Approved by Strategic Committee (decision issued 27/8/15).

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

- 5.1 The proposals have been subject to a formal pre-application enquiry which has informed matters of layout, design, highways and drainage.
- 5.2 Negotiations have been undertaken during the course of the application to secure amendments to the highway layout and to obtain additional drainage information.

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 as Provisional Open Land.

Relevant UDP policies:

BE1 – Design principles
BE2 – Design of new development
BE12 – Space about buildings
BE23 – Crime prevention
D5 – Provisional Open Land (POL)
D6 – Land adjoining green corridor
G6 – Land contamination
H10 – Affordable housing provision
H12 – Ensuring affordable housing remains affordable
H18 – Provision of public open space on sites over 0.4 hectares
EP4 – Development and noise

EP11 – Integral landscaping scheme to protect/enhance ecology
T10 – Highway safety considerations
T16 – provision of safe, convenient and pleasant pedestrian routes
T19 – Off-street parking standards

6.3 Supplementary Planning Guidance / Documents:

Manual for Streets (2007)

K.C. Policy Guidance: 'Providing for Education Needs Generated by New Housing'

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

Interim affordable housing policy (December 2016)

6.4 National Planning Guidance:

National Planning Policy Framework:

'Achieving Sustainable Development'

'Core Planning Principles'

Section 6 – Delivering a wide choice of high quality homes

Section 7 – Requiring good design

Section 10 – Meeting the challenge of climate change, flooding and coastal change

Section 11 – Conserving and enhancing the natural environment

Section 12 – Conserving and enhancing the historic environment

'Decision taking'

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Application advertised by site notices, press advert and neighbour notification letters.

7.2 Representations received: 89

7.3 Representations summarised as follows:

Amenity:

Detrimental impact on air quality, exacerbating existing issues

Noise

Health impacts from more air and noise pollution

Highways:

Detrimental impact on highway safety

Increased traffic and congestion

Inaccessible/unsustainable location

Concerns with changes to the road layout and access arrangements for existing properties between no. 55 Burn Road and the junction between Burn Road and Halifax Road. Concerned that these works will limit the choice of access routes to these dwellings and will limit parking opportunities and restrict emergency vehicle access
Limited access to and from the site

Infrastructure:

Impact on local amenities and infrastructure including schools and medical services
Highway network unsuitable for additional cars

Character:

Detrimental impact on the visual amenity and character of the area
Inappropriate materials
Artificial stone not in keeping with area
Kirklees Way would become a busy thoroughfare
Loss of green space and one of last undeveloped areas between Huddersfield and Calderdale
Urban sprawl
Harm to rural character
Brownfield sites should be developed first
Mock Tudor house design unsuitable

Other matters:

Impact on wildlife and ecology/loss of habitat
Housing not suitable for first time buyers and single income families
Not a need for this housing
Loss of play area
Coal mining legacy
Drainage and flood risk concerns
Impact from construction including mud on road
Affordable homes should be provided
Retractable netting needed to boundary with sports field to stop balls

Ward members notified. Officer meeting held with Cllr Gemma Wilson to discuss general issues with the application. No formal comments received from ward members.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways – No objections subject to conditions

KC Flood Management & Drainage – No objections subject to conditions

The Coal Authority – Holding objection. Additional information required for proposed remediation measures in relation to mine shaft entries within the site.

8.2 **Non-statutory:**

KC Environmental Services – No objections subject to conditions

KC Trees – No objections subject to conditions

KC Conservation & Design – No objections

KC Ecology Unit – No objections subject to conditions

KC School Organisation & Planning – £234,752 contribution to infant and junior school places requested

KC Strategic Housing - 19 dwellings (20%) are advised for affordable allocation in accordance with the interim affordable housing policy

KC Landscaping – No objections

KC Strategic Waste – No objections

Environment Agency – Application falls outside the scope of

Yorkshire Water – No objections subject to conditions

West Yorkshire Police Architectural Liaison Officer – No objections but recommendations made regarding specific boundary treatments and ‘Secured by Design’ advice

West Yorkshire Archaeology Advisory Service – No objection subject to condition

9.0 **MAIN ISSUES**

- Principle of development
- Landscape and urban design issues
- Heritage
- Residential amenity
- Housing issues
- Highway issues
- Drainage issues
- Noise
- Air quality
- Planning obligations
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The principle of residential development on the land has already been established by extant outline consent 2014/93039. This gave consent for the erection of up to 190 dwellings on the site and an adjoining swathe of land to the south of the current application site.
- 10.2 The application site covers two areas of land that form part of a wider area of land designated as Provisional Open Land (POL) in the Council's UDP.
- 10.3 The site is allocated for housing in the draft Local Plan as part of housing allocation H706.
- 10.4 Policy D5 of the UDP states that "planning permission will not be granted other than for development required in connection with established uses, changes of use to alternative open land uses or temporary uses which would not prejudice the contribution of the site to the character of its surroundings and the possibility of development in the longer term."
- 10.5 Paragraph 2.15 of the UDP advises that urban open land sites assessed as having less quality than those designated as Urban Greenspace but nevertheless having identifiable value as open land are designated as Provisional Open Land. These sites are judged to be capable of development either now or when new infrastructure such as roads and sewers can be provided. The aim of the designation is to maintain the character of the land at least during the period until the plan is reviewed when it will be considered for allocation for development.
- 10.6 The weight that can be afforded to policy D5 in determining applications for housing must be assessed in the context of NPPF paragraphs 215 and 49.
- 10.7 In the context of paragraph 215, the wording of policy D5 is consistent with NPPF paragraph 85 concerning safeguarded land. However, with regard to paragraph 49 the Council is currently unable to demonstrate a five year supply of deliverable housing sites.
- 10.8 The weight that can be given to policy D5 in these circumstances was assessed in October 2013 by a Planning Inspector in his consideration of an appeal against refusal of permission for housing on a POL site at Ashbourne Drive, Cleckheaton (ref: APP/Z4718/A/13/2201353). The inspector concluded (paragraph 42):

"The lack of a five-year supply, on its own, weighs in favour of the development. In combination with other paragraphs in the Framework concerning housing delivery the weight is increased. The lack of a five-year supply also means that policies in the UDP concerning housing land are out of date. Policy D5 clearly relates to housing and so it, too, is out of date and its weight is reduced accordingly. This significantly reduces the weight that can

be given to the policy requirement for there to be a review of the plan before the land can be released. In these circumstances, the Framework's presumption in favour of sustainable development is engaged."

- 10.9 NPPF paragraph 14 states that where relevant policies are out-of-date, planning permission should be granted "unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted".
- 10.10 Footnote 9 lists examples of restrictive policies but this does not include land allocated as Provisional Open Land.
- 10.11 The NPPF identifies the dimensions of sustainable development as economic, social and environmental roles. It states that these roles are mutually dependent and should not be undertaken in isolation; "*economic, social and environmental gains should be sought jointly and simultaneously through the planning system*" (paragraph 8). The 'economic' role includes providing support for growth and development requirements, while the 'social' role states the need to support communities by providing housing to meet the needs of present and future generations.
- 10.12 The principle of residential development on this part of the POL allocation was accepted under application 2014/93039 and in the continued absence of both a five year housing supply and any significant and demonstrable adverse impacts that can be evidenced and substantiated and which outweigh the benefits when assessed against the policies in the Framework taken as a whole, the principle of developing this site remains acceptable.

Landscape and urban design issues

- 10.13 A Landscape and Visual Impact Assessment is included as part of the submission.
- 10.14 The assessment describes the Grimescar Valley as typical Southern Pennine Fringe landscape. It is semi-rural urban fringe surrounded by suburban residential pattern. The boundary of the development sits within fragmented farmland broken up by small patches of residential buildings some converted from farm buildings. Grimescar is a sloping tributary valley wedged between the A629 and the M62 to the north. Pylons and transmission lines are visible within the skyline, patches of fragmented woodland (Grimescar Wood is semi ancient woodland) line the valley sides and the valley bottom along the lines of the tributary streams. There are no landscape designations for this area.
- 10.15 An assessment of the landscape and visual impacts of a development of 190 dwellings was carried out by officers under the previous application and it was considered that such a development would have a moderate adverse effect. It was concluded that the effects of development could be mitigated through such measures as incorporating open space into the development; limiting the

dwellings to two storeys in height; orientating dwellings along the existing land contours in small development cells to minimise the need for extensive cut and fill; setting dwellings back from undeveloped boundaries; retention and augmentation of tree groups and hedgerows to break up and soften the outline of any new built form; use of materials and architectural style that are locally harmonious and sympathetic to the site setting.

- 10.16 It is considered that the proposals have successfully incorporated these measures into the scheme which helps to mitigate the visual impact of the development.
- 10.17 All of the dwellings are limited to two storeys in height and large areas of open space are incorporated into the layout.
- 10.18 The northern parcel includes a swathe of grassland to its northern boundary that would be managed as a meadow and provides a green buffer to the area of protected trees further to the north of the site. Scrub buffers are also provided to parts of the eastern and western boundaries which build in separation to existing residential development and the adjacent sports facility.
- 10.19 The southern parcel is split between two areas of development that are divided by an extensive area of protected woodland and areas of existing grassland that would be supplemented with new native planting. The eastern part of the southern parcel would mainly form an area of meadow that would adjoin an area of protected trees to the east. Scrub/green buffers are provided to the southern boundary where the site abuts public footpath HUD/399/10 and Cliffe Farm. A scrub buffer is also provided along roughly half of the northern boundary where the site abuts public byway HUD/396/40.
- 10.20 The amount of open space along with the inclusion of natural buffers has enabled dwellings to be set back from undeveloped boundaries and the retention of tree groups and new planting helps to soften the appearance of the built form.
- 10.21 The layout and orientation of the properties are such that the need for cut and fill has been minimised as much as reasonably practicable considering the topography of the area. Some manipulation of the land form will occur to create development plateaus and this would be most pronounced within the southern parcel. The visual impact of creating building plateaux to enable the site to be developed has previously been accepted it is considered that the detailed proposals have minimised the extent of engineering works.
- 10.22 The design of the dwellings is considered to be acceptable and would harmonise with the surrounding area. The dwellings have a varied appearance and include 'feature' houses with dual active frontages located at the junctions of both parcels and some simple semi-detached and terraced houses to the road frontages on the northern parcel.

- 10.23 The appearance of the development is considerably enhanced by the retention of the existing drystone walls to the site boundaries which helps to retain some of the semi-rural character of the area.
- 10.24 In terms of materials it is proposed to use artificial stone and concrete tiles. In principle these materials are considered to be acceptable subject to approval of samples.
- 10.25 Officers are satisfied that the visual impact of the development on the landscape has been mitigated and the proposals would result in a form of development that would sit comfortably within the site's context. The application accords with Policies BE1 and BE2 of the UDP and guidance in the NPPF.

Heritage:

- 10.26 The proposed development is shown to be built within the setting of a number of Grade II listed properties, including Lower Burn Farm (C18th), Middle Burn Farm (C18th), 108/110 Burn Road (C18th). Other listed buildings beyond these are also considered to fall within the sphere of influence of the development when considering their setting.
- 10.27 Officers are satisfied that the layout and design of the development are such that the setting of these designated heritage assets would be preserved. In this regard the application accords with chapter 12 of the NPPF.

Residential Amenity

- 10.28 There is existing residential development to the south, east and west of the northern parcel that are within sufficiently close proximity to be potentially affected by the development in terms of either overlooking, loss of light or overbearing effects.
- 10.29 The properties to the south of the site form a row of terraced houses on the opposite side of Yew Tree Road and comprise 200-208 Yew Tree Road. These properties front onto the roadside at very close proximity. There are three large detached plots opposite these dwellings (plots 43-45). Separation distances are between 13.5m and 18.5m. The windows within these plots that directly are with the main living room and kitchen-dining rooms being to the rear
- 10.30 This is a front elevation to front elevation relationship across the street and privacy in this context is not the same as when considering rear elevation and private garden areas. Separation distances do not accord with Policy BE12 and results in a fairly close relationship however dwellings that are close up to the roadside, such as 200-208 Yew Tree Road, is a characteristic of the area and increasing the separation distance between habitable windows would result in a form of development that would less respectfully reflect the streetscene and would be detrimental to the overall quality of the proposed development. The separation distances that are provided are considered to

afford a sufficient level of privacy for existing and future occupiers and on balance existing space standards are considered to be acceptable.

- 10.31 A good degree of separation is provided to the properties to the east of the northern parcel and separation distances accord with Policy BE12. The attached garage/workshop belonging to no.93 Burn Road directly abuts the boundary of plot 1 and has a window in its gable end. The window would face onto the garden of plot 1. Given the nature of the window there are not any significant concerns with this relationship.
- 10.32 No.139 Yew Tree Road lies to the west of the northern parcel. The gable end of this property faces towards the blank gable end of plot 50 at a distance of approximately 10m. The side wall of 139 Yew Tree Road contains two landing windows and the relationship is considered to be acceptable.
- 10.33 In terms of the southern parcel, the closest existing properties are all very well separated from the proposed dwellings and would not be significantly affected in any way.
- 10.34 An area of land to the north at Burncroft has an extant outline consent for four detached dwellings within an approved layout. Separation distances between the respective developments would accord with Policy BE12. There is also an undetermined outline application for the erection of four dwellings at another site at land to the north (Middleburn Farm); should both applications be approved the relationship would be such that neither development would be unduly prejudiced.
- 10.35 Separation distances between new dwelling and new dwelling do not fully accord with Policy BE12 across the entirety of the site although officers are satisfied that an acceptable standard of amenity would be provided for the future occupants.

Housing issues

- 10.36 The development would deliver much needed housing at a time of national shortage and when the council is unable to demonstrate a five year housing land supply. The development would also provide a proportion of affordable units on site. The NPPF supports the delivery of new housing.
- 10.37 The site has outline consent for up to 190 dwellings and whilst the quantum of development is significantly below this level this is as a result of the practical and economic challenges arising from the characteristics of the site, including its topography. Considering the restrictions the density represents an efficient use of land whilst respecting the amenities of the area.

Highway issues

- 10.38 The application is a full application for the proposed development of 95 residential dwellings located on three individual plots with one access off Yew

Tree Road (northern parcel) and two accesses off Burn Road (southern parcel).

10.39 In relation to the forecast peak hour trip generation and the approved development of 190 dwellings on the same site (planning ref: 2014/93039) the following comparison is given:

Weekday AM Peak Hour Vehicle Trips

	Vehicles		
	In	Out	Two-Way
190 approved residential units (2014/93039)	33	99	132
95 proposed residential units	17	50	67
Net reduction in trips	-16	-49	-63

Weekday PM Peak Hour Vehicle Trips

	Vehicles		
	In	Out	Two-Way
190 approved residential units (2014/930/93039)	86	51	137
95 proposed residential units	43	26	69
Net reduction in trips	-43	-25	-68

10.40 The assignment of development trips to the network is based on an analysis of census travel to work data. This results in the following assignment of flows to surrounding approach routes to the site for the generated trips:

Assignment of Residential Trips to the Network

Approach Route	% Assignment	Weekday AM Peak (Two-Way)	Weekday PM Peak (Two-Way)
A629 Blackley New Road	27%	18	19
A643 Lindley Moor Road	2%	2	2
A629 Huddersfield Road	10%	7	7
A643 Brighouse Road	8%	5	6
Halifax Old Road	18%	12	12
A629 Halifax Road	35%	23	24
Total		67	70

10.41 An access strategy has been formulated by the applicant which concentrates access to and from the development proposal mainly via Grimscar Road with approximate 60% of traffic assigned via this route. Access to development sites are proposed via three priority junctions, one off Yew Tree Road and two off Burn Road as indicated on the application drawings.

10.42 Sensitivity analysis was undertaken by Optima on the forecast highway network impacts in relation to the consented 190 dwellings which involved a detailed network and cumulative development modelling exercise. Having taken into account committed developments within the vicinity of the proposed site and Ainley Top roundabout, and given that the operation of the network

has not materially changed HDM except that the conclusions provided as part of the consented application remain robust.

- 10.43 The key issues that have been of primary concern to HDM and have been the subject of considerable discussion and analysis with the applicant are:
- The impact of development on the A629 Halifax Road corridor;
 - The management of development flows through the A629 / Burn Road junction;
 - Junction capacity at A629 / East Street;
 - Mitigation Measures - off-site highway improvements needed to mitigate the impact of development.

The A629 Halifax Road Corridor

10.44 This corridor is one of the key radial routes linking Huddersfield town centre with the motorway network and carries a large volume of traffic. The corridor suffers from slow moving traffic, particularly at peak times.

10.45 Observations on site and through cctv monitoring show that conditions are not uniform and that there are periods of delay followed by periods of relatively free flow. The reasons for this are varied including blockages caused by slow moving vehicles on the approach to junctions, restrictions due to on-street parking, buses stopped at bus stops and movements into and out of side roads. The operation of the corridor is also to some extent self-limiting with a proportion of drivers having the ability to vary their route or time of journey.

10.46 The access strategy adopted for the proposed Yew Tree Road / Burn Road development minimises as far as possible the assignment of traffic onto the A629 corridor to a point where the following link flows are added:

Development Trips on A629 Halifax Road Corridor

Link	AM Peak Two-Way Flow	PM Peak Two-Way Flow
Ainley Top to Yew Tree Road	5	7
Yew Tree Road to Birchencliffe Hill Road	20	17
Birchencliffe Hill Road to East Street	17	17
South East of East Street	14	14

10.47 This level of generation spread over the peak hours is considered to have a minor impact on existing corridor conditions with the peak impact occurring on the section between Yew Tree Road and Birchencliffe Hill Road in the AM Peak when 20 vehicles (17 southbound / 3 northbound) are added to the corridor.

10.48 It is appropriate to seek a contribution from the applicant which is proportional to this level of impact and contributes along with other developments to the solutions which are currently being assessed by Kirklees Highways. The contribution secured from the applicant is described below in the section titled 'Mitigation Measures'.

Burn Road

- 10.49 Burn Road meets the A629 Halifax Road at a severely restrained junction with below standard sight lines. The applicant has recognised this and has put forward measures to prevent any development traffic exiting onto the A629 via this junction.
- 10.50 The preferred design solution proposed by the applicant is to make Burn Road northbound only for a short stretch thus preventing any traffic travelling south on Burn Road and exiting onto the A629. The collection of approximately 34 residential properties at Burn Road/Rock Road will be able to enter and exit the A629 as they do now but they will not be able to approach their property from the north along Burn Road from Yew Tree Road/Grimscar Road. Through traffic from north of the restriction will not be able to exit onto the A629 via Burn Road. Northbound movements on Burn Road will be unaffected.
- 10.51 A survey was undertaken by the applicant in February 2015 to determine the level of use of Burn Road. The survey shows that, over a 24 hour weekday (based on Tuesday 24th and Wednesday 25th February), 140 vehicles exited Burn Road to the A629. Of this total, 82 were classed as 'through' movements that would be affected by the point closure and would therefore need to find an alternative route and 58 as local movements that would be unaffected. The existing 34 residential properties generate 107 inbound movements over the 24 hour period with 62 accessing from the A629 and 45 from Yew Tree Road/Grimscar Road. The 45 trips from Yew Tree Road/Grimscar Road would need to re-route.
- 10.52 A stage 1 safety audit has been prepared to review the proposed design which recommends a number of design modifications which are addressed by the designer in the designer's response. The proposed scheme incorporating the stage 1 safety audit modifications is shown on the applicants drawing 10274/GA/005 rev E.
- 10.53 Burn Road/Grimscar Road: A number of minor improvements to the junction are proposed to address existing geometry issues and all modelling is undertaken assuming that these improvements are implemented. All assessment scenarios work well within capacity.
- 10.54 Grimscar Road/Brighouse Road: A number of minor improvements to the junction are proposed to address existing geometry issues and all modelling is undertaken assuming that these improvements are implemented. All assessment scenarios work well within capacity.
- 10.55 A629/Yew Tree Road: A minor improvement to the junction is proposed to address existing geometry issues and all modelling is undertaken assuming that this improvement is implemented. All assessment scenarios work well within capacity.

10.56 A629 Halifax Road/East Street/Birkby Road: The current layout has been modelled for all scenarios and is operating above theoretical design capacity but just under absolute capacity on three out of four arms in the AM peak and on all arms in the PM peak. A corridor study is currently underway for the A629 Halifax Road to determine what factors are contributing to the delays within the corridor. It is also noted that MOVA has recently been applied to the junction which monitors vehicle and pedestrian demand and adjusts the provision of green signal time to suite.

10.57 *Mitigation Measures*

- Financial contribution to the A629 Halifax Road improvement scheme;
- Capacity and safety improvement of the Burn Road / Grimscar Road junction;
- Capacity and safety improvement of the Grimscar Road / Brighthouse Road junction;
- Capacity and safety improvement of the A629 Halifax Road / Yew Tree Road junction;
- A scheme to widen Yew Tree Road and the provision of a 2.0m footway;
- Commitment to a residential travel plan including participation in the Residential Metro Card Scheme (bus only);
- Access junctions for the three development sites.

10.58 It is to be noted that the internal road layout and highway works (including PROW) are acceptable in principle subject to detailed design and approval before development commences. The delivery of the proposed highways works will be implemented through Section 278 Agreements.

10.59 The accessibility of the site by non-car modes has been assessed by the applicant in the Transport Assessment. It demonstrates that the vast majority of the red line boundary is within 400 metres walk distance of a bus stop as recommended by the Combined Authority. There are two bus corridors adjacent to the sites namely the A629 corridor and the Yew Tree Road / Burn Road / Grimscar Road corridor. The A629 corridor accommodates the high frequency Service 503 running between Halifax and Huddersfield on a mainly 10 minute frequency during the day Monday to Saturday and a mainly 20 minute frequency during the day on a Sunday. The Yew Tree Road corridor accommodates Service 343 which runs on an hourly frequency between Halifax and Huddersfield during the day Monday to Saturday. Service 343 does not operate on Sunday.

10.60 The accessibility of the site to key facilities and services such as healthcare, education, retail outlets and leisure facilities has also been assessed by the applicant in the Transport Assessment. This shows the location of all these facilities within 2km / 25 minute walk distance of the site. The catchment area used in an assessment of accessibility can range from 2km to as little as 400m based on site specific conditions and the destination land use. One of the key destinations in this assessment due to the range of facilities provided is Lindley centre. This is measured at approximately 800 metres from the centre of the application site but it should be noted that a steep hill up

Birchenclyffe Hill Road will extend the walk time. It is the considered opinion of Highways Development Management that there are a range of facilities within a walkable distance of the application site and therefore the accessibility of the site is acceptable.

- 10.61 In line with current policy, a Travel Plan has been submitted. This sets out measures to achieve a reduction in single occupancy car trips during the peak hours including the provision of information packs to all residents and the promotion of a car share database. It is proposed that this travel plan forms the basis for further negotiation with the applicant if this application progresses.
- 10.62 An analysis of personal injury accidents over a five year period has been undertaken by the applicant. No specific hot spots have been identified.
- 10.63 Both Highways England and the West Yorkshire Combined Authority have commented on this application and both have raised no objections to the development proposal.
- 10.64 Based on this analysis of the development proposal, its impact on transport networks and the proposed mitigation measures, the proposals are considered acceptable and the Highways Development Management has no wish to resist the granting of planning permission subject to conditions and a S106 agreement.

Drainage issues

- 10.65 It is proposed that surface water will connect to watercourse at a restricted discharge rate. Some surface water attenuation will be provided for within underground pipes or tanks with further attenuation provided by three above ground detention basins. The basins are within open space next to each area of development and would be designed to cope with the 1 in 100 year storm events. The basins would form grassed areas and the applicant envisages that they will be adopted by Yorkshire Water.
- 10.66 The principle of the drainage strategy is supported by Kirklees Flood Management and Drainage. A detailed drainage scheme can be secured by condition.
- 10.67 The proposal site is not within an area of flood risk although flooding from surface water is a consideration. Based on the submitted layout and site levels Kirklees Council Flood Management and Drainage are satisfied that flood routing would not put property at significant risk.
- 10.68 No objections raised by Yorkshire Water and The Environment Agency.
- 10.69 The application is considered to satisfy Policy BE1 (iv) of the UDP and guidance in the NPPF.

Noise

- 10.70 UDP Policy EP4 states that: “proposals for noise sensitive developments in proximity to existing sources of noise, or for noise generating uses of land close to existing noise sensitive development, will be considered taking into account the effects of existing or projected noise levels on the occupiers of the existing or proposed noise sensitive development.”
- 10.71 A noise report was undertaken as part of the previous outline application and forms part of the current submission. as part of the planning application.
- 10.72 The report establishes that the ambient noise climate across the application site is associated with local and distant road traffic. Noise levels are considered to be low throughout the application site during both the daytime and at night.
- 10.73 An indicative scheme of sound insulation works has been developed to protect the proposed development from the ambient noise climate in accordance with the requirements of the National Planning Policy Framework. On this basis, the applicants assert that the ambient noise climate is not considered to represent a constraint to the proposed development of the application site.
- 10.74 Officers agree with these conclusions and concur with the recommendation to agree any necessary sound insulation works through a suitably worded condition.

Air quality:

- 10.75 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, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.....”
- 10.76 This development is in close proximity to Halifax Road and the Ainley Top roundabout, where monitored air quality levels have exceeded the health related annual objective for NO₂.
- 10.77 The application is accompanied by an air quality statement which essentially forms an addendum to the air quality assessment carried out under the previous outline application. The statement was prepared to establish whether the conclusions of the original air quality assessment are still relevant for the proposed scheme of 95 dwellings. Consideration has been given to air quality during the construction phase and the impacts once the development is built and occupied through future occupiers’ choices in modes of transport. Future occupiers’ exposure to unacceptable air pollution is also considered.
- 10.78 The conclusions of the statement are that the proposals will have lower impacts on local air quality than the previous air quality assessment had

concluded due to the smaller number of residential units. As such, the previous air quality assessment can be considered to be a conservative assessment.

- 10.79 The council previously accepted that the air quality impacts would be imperceptible having regard to national guidance and given the smaller number of units now proposed this remains the case.
- 10.80 The submitted travel plan along with the provision of electric vehicle charging points for each dwelling will help to mitigate the limited air quality impacts of the development.

Representations

- 10.81 89 representations have been received raising concerns. The main thrust of concerns relate to air quality, the use of artificial stone, impact on traffic and congestion and the impact on local services, especially schools.
- 10.82 Air quality and highway matters have been addressed within this report. In terms of materials, a good quality artificial stone is considered to be acceptable in this location. With regard to school places, the development triggers a contribution towards education provision. The impact on medical facilities is an issue for those providers and cannot be dealt with through this planning application.
- 10.83 Of the other matters raised these do not materially alter the assessment of the application and the recommendation.

Planning obligations

Affordable housing:

- 10.84 Ten on-site affordable houses are proposed. These are contained within the northern parcel. This equates to just over 10% of the total number of units. The interim affordable housing policy requires 20%.
- 10.85 A viability appraisal has been submitted with the application and has been independently reviewed.
- 10.86 The developer's own appraisal indicates that the development can stand 5% of the houses as affordable units however the developer has made an offer of 10% in the interests of promoting a speedy resolution to the application which will help with an early start on site ahead of the winter.
- 10.87 There are some areas of disagreement between the developer's appraisal and the council's independent evaluation; this is mainly around the sales value of the properties which the council's consultant considers will be significantly higher than those predicted by the applicant. Negotiations are ongoing on this particular matter and an update will be provided on this prior to the committee meeting.

Public open space:

- 10.88 On-site public open space is provided which exceeds policy H18 requirements. The site sits within the catchment area for the existing play space on Halifax Road and officers consider that use of the public open spaces within the site for natural play is considered to be more beneficial than having equipped play provision on site.

Education:

- 10.89 An education contribution of £234,752 towards infant and junior school places within the local area is required.

Residential Metro Cards & travel plan monitoring:

- 10.90 A contribution towards residential metro cards and travel plan monitoring is considered necessary to meet wider sustainability objectives and the aims of the travel plan. This can be secured by S106.

Other Matters

- 10.91 In terms of historic coal workings, the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.
- 10.92 Coal mine entries have been identified within the site and the layout has been informed by the location of these mine entries. The Coal Authority has not raised any significant objections to the development however further information has been requested in respect of details of remedial measures including shaft caps and foundations given the proximity of certain dwellings. The Coal Authority wishes for this information to be provided pre-determination and officers are satisfied that this matter can be resolved through the delegation of the application.
- 10.93 Although no land contamination is recorded or suspected in this location, Environmental Services recommend conditions requiring appropriate surveys and remediation in the unlikely event any contamination is identified.
- 10.94 There are not considered to be any significant ecological constraints to the development. The Ecology Unit has not raised any objections subject to conditions regarding lighting, a construction environmental management plan and a landscape and ecological management plan to mitigate and compensate for biodiversity impacts.
- 10.95 The arboricultural officer is satisfied that the scheme will avoid harm to protected trees and a method statement to protect trees during construction has been submitted and is acceptable.

11.0 CONCLUSION

- 11.1 The principle of residential development on the land has already been established under an extant outline consent and the current proposal represents a significant reduction in the quantum of development.
- 11.2 The design and appearance of the development would sit comfortably within the surrounding area and the development would not prejudice highway safety. Whilst the development is not fully policy compliant in terms of separation distances between dwellings it is considered that an acceptable standard of amenity would be provided for existing and future occupiers and when balanced against the overall benefits of the scheme the application remains acceptable.

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 sample of materials
4. Detailed highway design
5. Contaminated land
6. Measures to deal with coal mining legacy as may be necessary
7. Lighting strategy for biodiversity
8. Landscape and ecological management plan
9. Construction environmental management plan
10. Development in accordance with arboricultural method statement (and evidence provided)
11. Details of any additional trees works that may be required during construction
12. Archaeological investigation
13. No building within 3m of sewers across the site
14. Detailed drainage scheme
15. Watercourse piping
16. Flood routing plan
17. Temporary drainage scheme for construction
18. Electric vehicle charge in points
19. Sound attenuation measures

Background Papers:

Application and history files.

Website link:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f90180>

Certificate of Ownership – Notice served on Mrs J, Mr G & Ms E Carter, Burn Road, Huddersfield and on Thornhill Estates.

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Report of the Head of Development Management

STRATEGIC PLANNING COMMITTEE

Date: 27-Apr-2017

Subject: Planning Application 2016/93688 Erection of 97 dwellings along with associated access, drainage works, landscaping and public open space Land to the south of Burton Acres Lane, Highburton, Huddersfield, HD8

APPLICANT

Redrow Homes

DATE VALID

02-Nov-2016

TARGET DATE

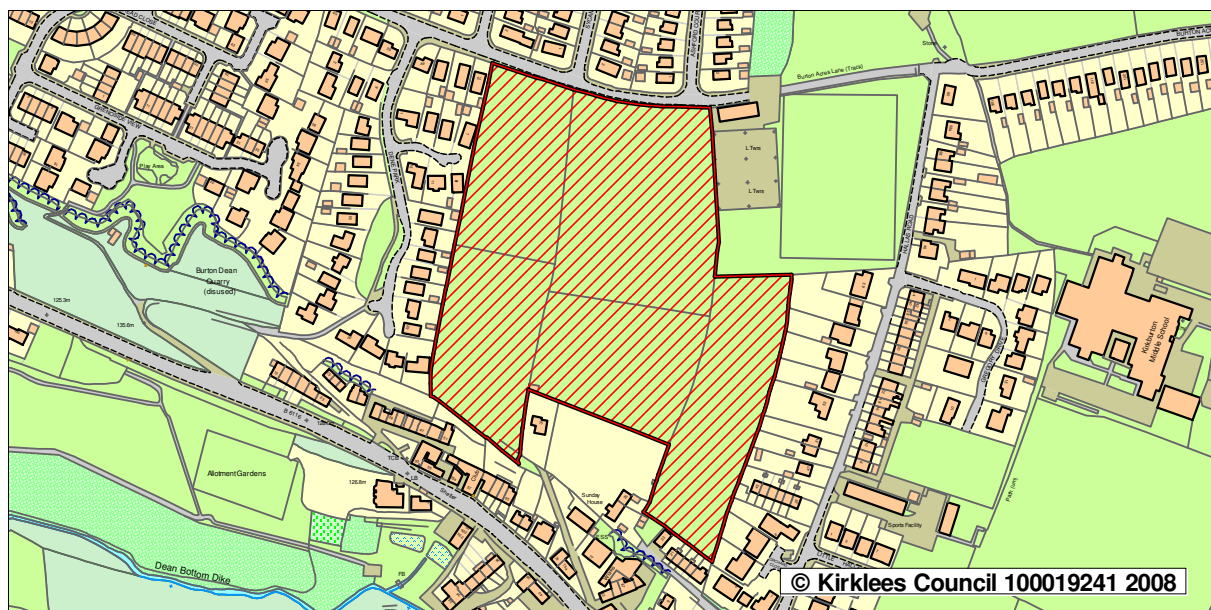
01-Feb-2017

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:

Kirkburton

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 referred to within this report and to secure a S106 agreement to cover the following matters:

1. Public open space provisions including off site commuted sum (£89,000) and future maintenance and management responsibilities of open space within the site
2. 20% of total number of dwellings to be affordable with a tenure split of 55% being Social Rented and 45% being Sub Market
3. Delivery of affordable units within the first two phases of development (13 units within phase 1 and 6 units within phase 2)
3. £233,115 towards Education requirements arising from the development
4. Provision of Metro Cards & bus shelter upgrade (£33,820)
5. Future maintenance and management responsibilities for the drainage infrastructure

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

1.0 INTRODUCTION:

- 1.1 The application is brought forward to Strategic Planning Committee for determination in accordance with the Council's Scheme of Delegation because the development represents a departure from the provisions of the Unitary Development Plan because the site is allocated as Provisional Open Land (POL) where the development exceeds 60 residential units.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site comprises of approximately 3.7 hectares of open fields divided by drystone walls. The land slopes down from Burton Acres Lane towards the south. The northern part of the site has a very gentle slope which increases significantly at the southern extent of the site where the land then falls away.
- 2.2 The site is surrounded by residential development of mixed age, type and design. There is a tennis club to part of the eastern boundary and further to the east is Kirkburton Middle School. To the north east is a recreation ground (Gregory Playing Fields).

3.0 PROPOSAL:

- 3.1 This is a full planning application for the erection of 97 dwellings.
- 3.2 The scheme is for a mixture of detached, semi-detached and terraced properties.
- 3.3 The proposal comprises a mix of 2, 3 and 4 bed dwellings. All dwellings are two storeys in height and proposed to be constructed in brick and render with a concrete roof tile.
- 3.4 Access to the site is via a single priority junction off Burton Acres Lane. A small number of the properties along the site frontage have direct access onto Burton Acres Lane.

4.0 RELEVANT PLANNING HISTORY

- 4.1 None

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

- 5.1 The proposals have been subject to a formal pre-application enquiry which has informed matters of layout, design and highways.
- 5.2 Amendments to highway layout and minor design and landscaping amendments have been secured during the course of the application.
- 5.3 Negotiations have been undertaken in respect of the proposed drainage scheme and affordable housing provision.

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 as Provisional Open Land.

Relevant UDP policies:

BE1 – Design principles
BE2 – Design of new development
BE12 – Space about buildings
BE23 – Crime prevention
D5 – Provisional Open Land (POL)
D6 – Land adjoining green corridor
G6 – Land contamination
H10 – Affordable housing provision
H12 – Ensuring affordable housing remains affordable
H18 – Provision of public open space on sites over 0.4 hectares
EP4 – Development and noise
EP11 – Integral landscaping scheme to protect/enhance ecology
T10 – Highway safety considerations
T16 – provision of safe, convenient and pleasant pedestrian routes
T19 – Off-street parking standards

Supplementary Planning Guidance / Documents:

6.3 Manual for Streets (2007)

K.C. Policy Guidance: 'Providing for Education Needs Generated by New Housing'

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

Interim affordable housing policy (December 2016)

National Planning Guidance:

National Planning Policy Framework:

'Achieving Sustainable Development'
'Core Planning Principles'

Section 6 – Delivering a wide choice of high quality homes
Section 7 – Requiring good design
Section 10 – Meeting the challenge of climate change, flooding and coastal change
Section 11 – Conserving and enhancing the natural environment
Section 12 – Conserving and enhancing the historic environment
'Decision taking'

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Application advertised by site notices, neighbour letters and press advert.

7.2 Representations: 240 received and summarised as follows:

Infrastructure

- Development of open, pastoral farmland
- Overwhelm all village infrastructure which is still suffering the huge strain new housing such as new housing on Moxon's mill site.
- Drainage, schools, GP surgeries, dentists, schools and the police would be put under even more pressure
- Highburton school as it is full already, as is Rowley Lane School
- The drains in the village often overflow particularly along Far Dene.
- 97 units(family houses) that potentially another 200 children to accommodate in already largely full schools, nurseries and GP surgeries.
- in need of a major review of our local infrastructure and amenities, with action to improve these before supporting any developments of this scale locally.
- routine appointment can take up to 4 weeks to book and emergency ones are generally not available the same day
- The addition of another 97 dwellings of mixed size could potentially add at least 350+ patients to an already oversubscribed practice. This could increase waiting times to 4 weeks

○ Highways

- Parking would be more of an issue as the driveways on the proposed houses would be facing Burton Acres Lane
- Shop owners already have an issue with traffic congestion and parking in Kirkburton village now
- Redrow had conducted a traffic survey along Far Dene. Surely any survey should be done independent of the company that proposes the development, to prevent any bias
- Safety would be at risk as they would have to pass the proposed building site twice per day, with HGVs etc. passing on a very narrow lane.
- Fire engines would struggle to pass along Burton Acres Lane into the if cars are parked on the lane as they do now.
- The highways and water / sewage services are already under immense pressure
- The whole site is accessed from Burton Acres Lane so this increase in traffic volume will have to go through the village. Access to main roads

is poor and limited at the moment and this development will exacerbate the issue.

- Redrow's peak hour traffic survey advises that this development will add 2 additional cars to the traffic exiting the village via Far Dene. I find this difficult to understand as there are no employment opportunities in the village
- At the peak evening time if trying to access Far Dene from Penistone Road by turning right in front of The White Swan, crossing the path of oncoming traffic is very difficult. Often the only way to turn right is to wait for the gap between the lights on Penistone Road turning red and the lights in Far Dene turning green
- The point at which access to the development is planned is the narrowest part of the road and is adjacent to the sports facilities and recreation ground.
- Access for emergency vehicles at this particular point would be difficult due to the narrowness of the road
- On a weekend this part of Burton Acres Lane is used as a place to park for players & spectators attending football matches on the Gregory Playing Fields. Parking along the road causes sightline issues for existing residents in the neighbouring streets without the added problems caused by additional traffic trying to exit a new development
- Burton Acres Lane is too narrow for such increased development and additional vehicles

Character

- Merge Highburton and Kirkburton villages into one and each village will lose its separate identity and completely change the character of each village
- Highburton will no longer be a rural village but a mass of bricks and mortar
- People move to villages because they want village life, not to have big housing developments built to make it feel like an extension of the town centre
- What about the animals that are in the fields? Schools do outings around the village to these green belt areas to show the children these animals....what a shame if this has to stop
- This is a site visible from miles around and any development would be a 'blot on the landscape' if approved,
- Building such an over developed site in the catchment area of Kirkburton/ Highburton may not be viable and will have an enormous effect on the rural area
- With Burton Acres Lane being effectively a 'dead end', all traffic flows will be direct into the village centre then dispersed along a variety of routes
- Traffic numbers have also been grossly under-estimated with 64 and 73 vehicles numbers quoted for morning and afternoon vehicle movements from the estate

Drainage/sewerage

- The drainage pumping station. I would trust this has enough capacity and back-up systems in the event of a power failure.
- Compensation and redress in the event of sewage/surface water damage will be required
- The existing network already has issues and in times of high rainfall when the sewers are unable to cope, there is a stress point on Far Dene that often leaks resulting in a flow of grey water down onto Penistone Road.

- With an increasingly wet climate there are drainage issues during periods of wet weather - removing fields will take away natural water drainage as well as increasing drainage demands from the proposed housing.

General

- Layout there does not seem a lot of starter homes. I thought the government initiative was to help people on to the property ladder
- On appearance; why are the roofs so high? They seem out of proportion, unnecessary and overbearing
- The tennis club has an active membership and the floodlights are used during evenings and winter hours. Would restrictions be placed on the use of the floodlights if the application is passed?

- Development on this site has a negative effect on objective 14 – maximising opportunities to protect and enhance biodiversity & geodiversity. This is one of the few green spaces within the village and is currently used as grazing land. If this were to be removed there would be a loss of habitat for wildlife.
- Shopping facilities certainly could not cope with more vehicles and this would decrease the sense of community by forcing people to shop at places like Morrisons / Marks & Spencers
- The development of this land to the South of Burton Acres Lane will inevitably increase the level of noise and privacy in the area that I live. The proposed houses will be immediately above my back garden destroying my peace and privacy further, along with blocking the day light, particularly in the winter time when the sun is low, due to the buildings and proposed fences being on higher ground and above my home
- A happy community is a productive one which places less demand on public resource. Please allow for our village to remain just that and our supportive, proactive and productive community to continue
- Urge the Council to reject these current development proposals for this site and reconfirm either Urban Greenspace or existing Provisional Open Land status in the current Local Plan.

Kirkburton Parish Council:

“The Parish Council strongly objects to this proposed development on the following grounds:

- It is important to ensure that development proposals cater for the needs generated, but there is no evidence this is the case with this particular application.*
- The local schools are already either full to capacity, or close to the limit.*
- The Health Centres already struggle to cope with the number of patients with the catchment area, so the situation will worsen if this amount of new housing materialises.*
- This piece of land is the last remaining wildlife corridor between Highburton and Kirkburton.*
- Following on from the above, it also serves to separate the two settlements, which have developed independently of each other and have their own characteristics. This development would merge the two villages to their joint detriments. This is contrary to National Planning Policy.*
- The road infrastructure cannot cope with the additional vehicle movements, which the planning guidelines underestimate.*
- The area acts as a ‘soakaway’, but even so, there are already drainage problems. If the land is built on the drainage situation will worsen, particularly on the main Penistone Road.*
- The access road would not be able to cope with emergency vehicles. Although the width of the road complies with guidelines, no account has been taken of the fact that the road almost always has a number of parked vehicles on it, reducing the available width. At weekends, sporting activities are often taking place on both facilities, which increases the number of parked vehicles considerably.*
- The amount of on-street parking, which is currently well used due to the location of the neighbouring sporting facilities, would be decreased due to the design of the drives and direct access.*
- It is also at the narrowest part of Burton Acres Lane.*
- Far Dene, which is the main route from Penistone Road, is extremely steep and in winter there are regularly accidents with cars sliding into parked vehicles and garden walls. This situation will worsen if the number of vehicle movements increase.*
- The highways survey was undertaken by the developer on one day only and at a quiet time of day. The Parish Council requests that the developer is required to undertake surveys at different times of the day, particularly including the peak times.”*

Ward members notified. Comments received from Cllr John Taylor:

“I would like to object to the proposal by Redrow Homes on this site for 97 houses. I do not support the development of the last remaining green field in this part of Highburton & the development of this site will effectively end the separation between the two settlements by infilling the last remaining space between the two villages. Kirklees has always looked to retain the character of the settlements in the more rural areas of the district and this proposal is

incompatible with that aim and should be sufficient grounds for the application to be rejected.

I also would like to object on the grounds of Highways and road safety. This development is at the end of a road which is blocked off by the Recreation Ground and blind lane and is an area which is already congested with traffic at weekends especially when the recreation ground, football Club and Tennis Club are all in use. There is little off road parking for people using the sporting facilities and currently park alongside the stone wall which surrounds these fields. The plan by Redrow would introduce not only an access road to the site, which would be near the end of the road but also drives to the properties which would abut Burton Acres Lane which would remove this car parking and so increase the congestion that already exists on this narrow road. As there is only one access for all of the existing properties on Burton Acres Lane and the cul-de-sacs off it this will increase the risks to pedestrians as well as other car users as they try to negotiate a very narrow space when the sports facilities are in use. At the very least, if the plan were approved the stone wall in its entirety, excepting for the road access onto the site, should be maintained to retain as much on road parking on Burton Acres Lane as is possible to reduce congestion. The planned properties which will abut Burton Acres Lane could easily be reversed so that they faced into the site and so maintained the on road parking, as the development at Grenoside and Birkhead Close does which is also on this side of Burton Acres Lane.

I am also unhappy with the types of properties which are being built and the lack of smaller starter homes and affordable houses. Kirkburton does not have a shortage of 4 or 5 bedroom properties but does have a shortage of smaller properties which would be suitable for first time buyers and I would like to see an increase in starter homes on this site if the Council does decide that it will proceed with the build.”

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways – No objections subject to conditions

KC Flood Management & Drainage – Pumping of foul and surface water as proposed is the least preferred option. Recommend further exploration of a gravity connection to main sewer.

The Coal Authority – No objections subject to conditions

8.2 Non-statutory:

KC Environmental Services – No objections subject to conditions

KC Trees – No objections subject to condition

KC Conservation & Design – No objections

KC Ecology Unit – No objections subject to conditions

KC School Organisation & Planning – £233,115 contribution to first and middle school places in the local area requested

KC Strategic Housing - 20% of dwellings are advised for affordable allocation in accordance with the interim affordable housing policy

KC Landscaping – Policy compliant on site POS provided. Contribution towards the upgrade of existing play facilities within the vicinity of the site is appropriate in lieu of on-site equipped play provision.

Yorkshire Water – No objections subject to condition

Environment Agency – The application is outside of the scope of development on which the EA comments

West Yorkshire Police Architectural Liaison Officer – No objections but recommendations made regarding security of specific elements of the development and in relation to ‘Secured by Design’ advice

9.0 MAIN ISSUES

- Principle of development
- Urban design and heritage 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 site comprises a Provisional Open Land (POL) allocation in the Council's UDP.
- 10.2 The site is allocated for housing in the draft Local Plan under housing allocation H313.
- 10.3 Policy D5 of the UDP states that “planning permission will not be granted other than for development required in connection with established uses, changes of use to alternative open land uses or temporary uses which would

not prejudice the contribution of the site to the character of its surroundings and the possibility of development in the longer term.”

- 10.4 Paragraph 2.15 of the UDP advises that urban open land sites assessed as having less quality than those designated as Urban Greenspace but nevertheless having identifiable value as open land are designated as Provisional Open Land. These sites are judged to be capable of development either now or when new infrastructure such as roads and sewers can be provided. The aim of the designation is to maintain the character of the land at least during the period until the plan is reviewed when it will be considered for allocation for development.
- 10.5 The weight that can be afforded to policy D5 in determining applications for housing must be assessed in the context of NPPF paragraphs 215 and 49.
- 10.6 In the context of paragraph 215, the wording of policy D5 is consistent with NPPF paragraph 85 concerning safeguarded land. However, with regard to paragraph 49 the Council is currently unable to demonstrate a five year supply of deliverable housing sites.
- 10.7 The weight that can be given to policy D5 in these circumstances was assessed in October 2013 by a Planning Inspector in his consideration of an appeal against refusal of permission for housing on a POL site at Ashbourne Drive, Cleckheaton (ref: APP/Z4718/A/13/2201353). The inspector concluded (paragraph 42):
- 10.8 “The lack of a five-year supply, on its own, weighs in favour of the development. In combination with other paragraphs in the Framework concerning housing delivery the weight is increased. The lack of a five-year supply also means that policies in the UDP concerning housing land are out of date. Policy D5 clearly relates to housing and so it, too, is out of date and its weight is reduced accordingly. This significantly reduces the weight that can be given to the policy requirement for there to be a review of the plan before the land can be released. In these circumstances, the Framework’s presumption in favour of sustainable development is engaged.”
- 10.9 NPPF paragraph 14 states that where relevant policies are out-of-date, planning permission should be granted “unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted”.
- 10.10 Footnote 9 lists examples of restrictive policies but this does not include land allocated as Provisional Open Land.
- 10.11 The NPPF identifies the dimensions of sustainable development as economic, social and environmental roles. It states that these roles are mutually dependent and should not be undertaken in isolation; “*economic, social and environmental gains should be sought jointly and simultaneously through the*

planning system" (paragraph 8). The 'economic' role includes providing support for growth and development requirements, while the 'social' role states the need to support communities by providing housing to meet the needs of present and future generations.

- 10.12 As such, in the absence of both a five year housing supply and any significant and demonstrable adverse impacts that can be evidenced and substantiated and which outweigh the benefits when assessed against the policies in the Framework taken as a whole, the principle of developing this site is acceptable.

Urban design & heritage issues

- 10.13 The scheme is for a mixture of detached, semi-detached and terraced properties comprising of twelve different house types. There is a row of properties along the site frontage with the remainder set around two estate roads and sections of shared driveways. The estate roads are connected by a length of shared driveway. Public open space is provided in the southern part of the site and within an area roughly in the middle of the site.
- 10.14 The site lies within a suburban area and adjoins the built-up parts of Highburton and Kirkburton. The development would infill an area of open land that lies between two areas of established housing. Whilst the development would reduce the open character of this area it is not considered that the localised impact of this would outweigh the wider benefits of the scheme, including the delivery of new housing on land that is allocated for housing in the draft Local Plan. There is also a substantial area of urban greenspace adjoining the site (retained as such in the draft Local Plan) as well as tangible areas of public open space within the development and this helps to maintain a sense of openness within the built environment.
- 10.15 The existing residential development within the surrounding area is of mixed age, type and design with a varied material palette. There is not a predominant building style and materials include artificial stone, brick, render and natural stone. The design of the houses is considered to be acceptable and would sit comfortably within the site's context. Facing materials are proposed as two different types of red brick and red and grey concrete tiles to the roofs. It is considered that the materials would harmonise in this setting.
- 10.16 There is a drystone wall along the site frontage and this would be rebuilt at the back of the new footway and would form the return to the new access. This helps to maintain some of the existing character of the streetscene.
- 10.17 The Kirkburton Conservation Area lies immediately to the south of the site and consideration of the impact on its setting is a material consideration. The site is set up substantially from the Conservation Area with proposed open space and some existing residential development separating new dwellings from the Conservation Area boundary. This mitigates the potential impact and an acceptable design for the development is provided which means that there

would not be any significant harm to the setting of this designated heritage asset.

- 10.18 The application accords with Policies BE1 and BE2 of the UDP and guidance in the NPPF.

Residential Amenity

- 10.19 Policy BE12 of the UDP sets out the council's space about buildings requirements and one of the core planning principles of the NPPF is to seek to ensure a good standard of amenity for all existing and future occupants of land and buildings.
- 10.20 Separation distances to the properties to the north and east of the site all accord with Policy BE12 requirements.
- 10.21 There is a very marginal shortfall in separation between habitable windows in the rear of plot 68 and the rear of 23 Hallas Road to the south of the site. The shortfall is 0.5 metres and could be partially mitigated by screening along the boundary. The relationship is considered to be acceptable.
- 10.22 Dene Park lies to the west. The properties on Dene Park that back onto the site are a minimum of 21m from the nearest habitable windows of any new dwelling. There are also two bungalows on Dene Park that have side walls containing windows that face onto the site at very close proximity. The separation distance to the nearest habitable windows of new dwellings is 13 metres. This separation satisfies Policy BE12 as a habitable window to non-habitable window relationship. Screen fencing along the boundary would be sufficient to prevent direct overlooking of windows in the side of these neighbouring bungalows which will protect the privacy of these neighbouring occupiers in any event.
- 10.23 Number 70 Burton Acres Lane to the west of the site has a gable end 5m from the side wall of plot 1. This neighbouring property has a non-habitable ground floor window and door in its side elevation. This is a typical side wall to side wall relationship and is considered to be acceptable.
- 10.24 Some shortfalls in separation distances occur between new dwelling and new dwelling however officers are satisfied that an acceptable standard of amenity would be provided for the future occupants. All future occupants would be aware of the relationship between dwellings before purchasing properties.

Landscape issues

- 10.25 Two separate areas of accessible and well-laid out public open space are provided within the site and the amount provided satisfies policy requirements. The nature of the open space and proximity to new houses are such that it does not readily lend itself to accommodating equipped play facilities and to this end a contribution towards the upgrade of existing play

facilities at the nearby recreation ground (Gregory Playing Fields) in lieu of on-site play provision is sought. This is to be secured by S106.

- 10.26 The areas of open space within the site give the development a sense of openness and planting to these areas will enhance the appearance of the development and provide some ecological value. Tree planting to the frontages of a number of the properties also serves to soften and enhance the appearance of the streetscene.

Housing issues

- 10.27 The development would deliver much needed housing at a time of national shortage and when the council is unable to demonstrate a five year housing land supply. The development would also provide a policy compliant number of affordable units on site. The NPPF supports the delivery of new housing.

Highway issues

- 10.28 Burton Acres Lane serves a number of purposes and provides for direct and junction access. It has mixed highway features along its length and has varying carriageway, footway and verge widths. In the vicinity of the development the carriageway width varies from 6m to 4m. The footway width also varies from 3m-1.5m. There is currently only a verge adjacent to the proposed development site. Beyond the development site there is no verge or footway.
- 10.29 On the opposite side to the proposed development there is a footway serving Sycamore Court and Ashford Court. Burton Acres Lane is severed to through traffic along its frontage with the recreation ground. This closure to traffic controlled via a collapsible bollard at a point some circa 40m from the site boundary (approximately 70m from the site entrance.) Access is maintained for pedestrians and authorised vehicles.
- 10.30 There is an existing stone wall present along the development frontage of approximately 1m in height. The western part of the verge area has been planted and is tended by local residents.
- 10.31 The application is supported by a Transport Assessment (Via Solutions October 2016) and following initial concerns/requests for clarification by a Highways Technical Note (Via Solutions) received from the applicant on 7th February 2017.
- 10.32 A full personal injury accident assessment has been undertaken for the most recent 5-year period for the local highway network pertinent to the site. Highways Development Management is satisfied that there are no existing accident trends that this development would likely exacerbate and as such, the proposal is considered acceptable in this regard.

- 10.33 The application site is proposed to be served via a newly created simple priority junction linking the internal estate road with Burton Acres Lane. The internal estate road is to serve as direct access for 97 residential dwellings. Visibility splays at the junction are accepted.
- 10.34 Pedestrian and cycle access into the application site is also proposed to be taken from the main vehicular site access. Continuous footways are provided on both sides of the access and continue into the bulk of the site. The geometric design of the proposed access is acceptable.
- 10.35 The level of parking provision proposed (276 spaces) is in accordance with the adopted standards as prescribed within the UDP. Some dedicated visitor parking spaces are provided across the site and parking can also be naturally accommodated on-street.
- 10.36 The layout of the estate road is considered acceptable and allows for service vehicle movements and turning.
- 10.37 A new two metre wide footway is provided along the site frontage and includes vehicle crossovers for individual driveways.
- 10.38 An assessment has been undertaken as to the level of trips that the development would generate. The assessment concludes the development would likely generate in the region of 73 movements in the AM peak (two way) and 64 movements during the PM peak (two way), split as 18/55 arrivals/departures and 40/24 arrivals departures respectively. The findings are accepted by Highways Development Management.
- 10.39 Trip Distribution on the local network has also been calculated and an operational assessment undertaken for the junctions of A629 Penistone Road/Far Dene and Far Dene/Towngate with Burton Acres Lane. The assessment indicates that these junctions would continue to operate within their capacity limits.
- 10.40 Based on the above the level of traffic generated by this proposal will not have any material detrimental impact upon the efficiency of the local highway network.
- 10.41 The development accords with Policies BE1, T10 and T19 of the UDP.

Drainage issues

- 10.42 It is proposed to pump surface water and foul drainage to a main sewer within Burton Acres Lane. The pump station would be located within an area of open land towards the south west corner of the site. Surface water will be attenuated within a below ground tank to control the rate at which water enters the pumping station. The developer intends for the pumping station to be adopted by Yorkshire Water.

- 10.43 Kirklees Flood Management and Drainage consider a pumped drainage solution to be the least preferred option because it introduces a flood risk in the event of failure and requires power to operate it which increases the carbon footprint of the development. As such it has been recommended that the developer seeks to pursue potential gravity connections to the south of the site. Published guidance indicates that pumping should only be used to facilitate drainage for those parts of the site where it is not reasonably practicable to drain water by gravity.
- 10.44 The applicant has explored an alternative means of disposal that would allow for a gravity connection to a watercourse. This method of disposal has financial implications for the developer and introduces a significant degree of uncertainty and potential delays because it involves third party land and the use of Yorkshire Water's requisition powers.
- 10.45 Kirklees Flood Management and Drainage have also promoted a gravity connection to a public combined sewer that lies to the south of the site within land that is outside of the applicant's control. Yorkshire Water has informed the developer that they do not support this because their preference is for a connection to a surface water sewer rather than a combined sewer. There are also similar practical issues to securing this off-site connection on third party land.
- 10.46 Officers consider that the developer has made reasonable attempts to consider alternative options to pumping water to Burton Acres Lane and the issues associated with connections via third party land and sewer requisition powers are such that it is not reasonably practicable in this instance to drain water by gravity.
- 10.47 The pumped drainage strategy gives the developer certainty because the costs can be readily calculated and its delivery does not depend on third parties. To this end the developer has advised that the drainage strategy as proposed within the application will enable them to deliver a policy compliant affordable housing offer (19 units on site) and to deliver the majority of these (13 units) within the first phase of the development process with the remainder being delivered in the second phase. An alternative drainage solution, which introduces additional costs and delays, will jeopardise their ability to deliver the full quantum of affordable houses and within this timeframe.
- 10.48 Whilst the proposal introduces an element of flood risk in the event that the pump fails, measures to mitigate this risk have been put forward. These include a Yorkshire Water approved pump supplier and installer and a specialist private maintenance contract being in operation prior to formal adoption of the pumping station. Furthermore, an indicative flood routing plan in the event of pump failure has been submitted; this shows that existing properties adjacent to the site that are at lower levels can be protected by sending storm water down a track and onto North Road.

- 10.49 Taking into account the level of risk and balancing this against the wider benefits of the development in terms of the timely delivery of affordable housing, officers consider that the proposed drainage strategy is acceptable. No objections have been raised by Yorkshire Water.
- 10.50 Separate to the pumping station, consideration has been given to flood routing within the site. Flood routing should avoid residential curtilage where possible. Flood routing would not fully avoid curtilage within the site however the risk to new dwellings has been mitigated and there are no significant concerns in this regard.

Representations

- 10.51 A total of 240 representations have been received and the main points are summarised at section 7 of this report.
- 10.52 The impact on the character of the area, highway safety, residential amenity, ecology and drainage have been discussed within this appraisal.
- 10.53 In so far as the issues raised have not been addressed within the appraisal a response is provided as follows:
- 10.54 Impact on local infrastructure:
Response: Development triggers a contribution towards education provision. Medical services are a matter for those providers and cannot be considered through this planning application. In terms of drainage, Yorkshire Water support the drainage scheme being proposed by the developer.
- 10.54 Capacity and back-up systems of pumping station in event of failure:
Response: Measures have been proposed to mitigate risk. This includes a private maintenance management contract being in place prior to the station being adopted by Yorkshire Water which would operate 365 days a year and use telemetry technology. In the event that Yorkshire Water did not adopt the pumping station a management company would be required in perpetuity. An attenuation tank is to be provided to control water flows into the pumping station.
- 10.55 Loss of natural drainage/exacerbate existing drainage problems
Response: The development can be adequately drained which would not increase flood risk elsewhere.
- 10.56 Increased noise:
Response: Development is in a residential area and the addition of new housing is considered to be compatible with the noise characteristics of the area.
- 10.57 Restrictions on tennis club floodlights:
Response: Restrictions could not be imposed on the tennis club through this application. Officers are satisfied that the relationship between the tennis club and new dwellings is acceptable.

10.58 Schools visit to see the animals in the fields:
Response: This is not a material planning consideration

10.59 Local shopping facilities could not cope with more vehicles forcing residents to shop elsewhere and losing sense of community:
Response: How people choose to shop is not a material planning consideration.

Planning obligations

Affordable housing:

10.60 Based on the proposed drainage strategy as discussed above, 19 dwellings will be delivered on the site as affordable units. This equates to 20% of the total number of units which is in accordance with the interim affordable housing policy. The proposed tenure split is also in line with the interim policy.

10.61 Almost 70% of the units would be delivered within the initial phase of development (i.e. when 40% of the market housing is occupied which would equate to around 12 months from commencement of development). Due to the location of the remainder of the affordable units within the site and the build programme the remaining units would be provided by 70% of the market housing being occupied.

Public open space:

10.62 On-site public open space is provided which exceeds policy H18 requirements. A contribution of £89,000 is sought for the upgrade of existing play facilities at Highburton recreation ground.

Education:

10.63 An education contribution of £233,115 towards first and middle school places within the local area is required.

Residential Metro Cards and bus stop improvement:

10.64 A contribution towards residential metro cards and bus shelter upgrade is considered necessary to meet the council's wider sustainability objectives, guidance in the NPPF and to help to meet the aims of the Travel Plan. Approximately £23,000 is considered necessary for Metro Cards and £10,000 is considered necessary for the bus shelter upgrade. This can be secured by S106.

Other Matters

10.65 An ecological report has been submitted with the application which concludes that the site predominantly consists of improved grassland habitat and as such is of limited ecological value. The Ecology Unit is satisfied that there are no significant ecological constraints to the development and have

recommended specific mitigation and enhancement measures which can be secured by conditions.

- 10.66 There are no trees on site that are worthy of preservation and no protected trees within the vicinity of the site that would be affected by the development. The arboricultural officer has however recommended a condition to protect existing unprotected trees that are to be retained within the site and adjacent to the site during construction.
- 10.67 The Phase 1 contamination report submitted with the application recommends further site investigation to be carried out. This can be secured by conditions.
- 10.68 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 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.
- 10.69 The security of plots 8, 9, 15, 16 and 17 has been improved through the provision of lockable gates across a passageway between plots 16 and 17, in line with advice from the West Yorkshire Police Architectural Liaison Officer.

11.0 CONCLUSION

- 11.1 The principle of development is accepted on this POL site when the council is unable to demonstrate a five year housing land supply and in the absence of any significant and demonstrable adverse impacts that can be evidenced and substantiated and which outweigh the overall benefits.
- 11.2 The design and appearance of the development would sit comfortably within the surrounding area and an acceptable standard of amenity would be provided for existing and future residents. The development would not prejudice highway safety.
- 11.3 The drainage strategy is considered to be an acceptable means of draining the site and will allow for wider planning benefits to be secured, specifically a policy compliant affordable housing offer and an early delivery of the majority of this housing. This is in addition to an off-site POS contribution and education contribution.

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. Detailed drainage scheme
4. Temporary drainage scheme for construction
5. Ecological method statement
6. Landscape and ecological management plan

7. Lighting design strategy for biodiversity
8. Tree protection plan
9. Contaminated land and coal mining legacy investigation and remediation
10. Electric vehicle charge in points
11. Surfacing of parking spaces
12. Provision of sightlines
13. Detailed highway design

Background Papers:

Application and history files.

Website link:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f93688>

Certificate of Ownership – Notice served on Brian & Bridget Bradley, 25 Hallas Road, Kirkburton, HD8 0QF

Report of the Head of Development Management

STRATEGIC PLANNING COMMITTEE

Date: 27-Apr-2017

Subject: Planning Application 2017/90077 Erection of 85 bed care home with associated car parking and landscaping Busker Lane, Scissett, Huddersfield, HD8 9JU

APPLICANT

Chris Houghton, TLC
Carehomes (Yorkshire)
Limited

DATE VALID

09-Jan-2017

TARGET DATE

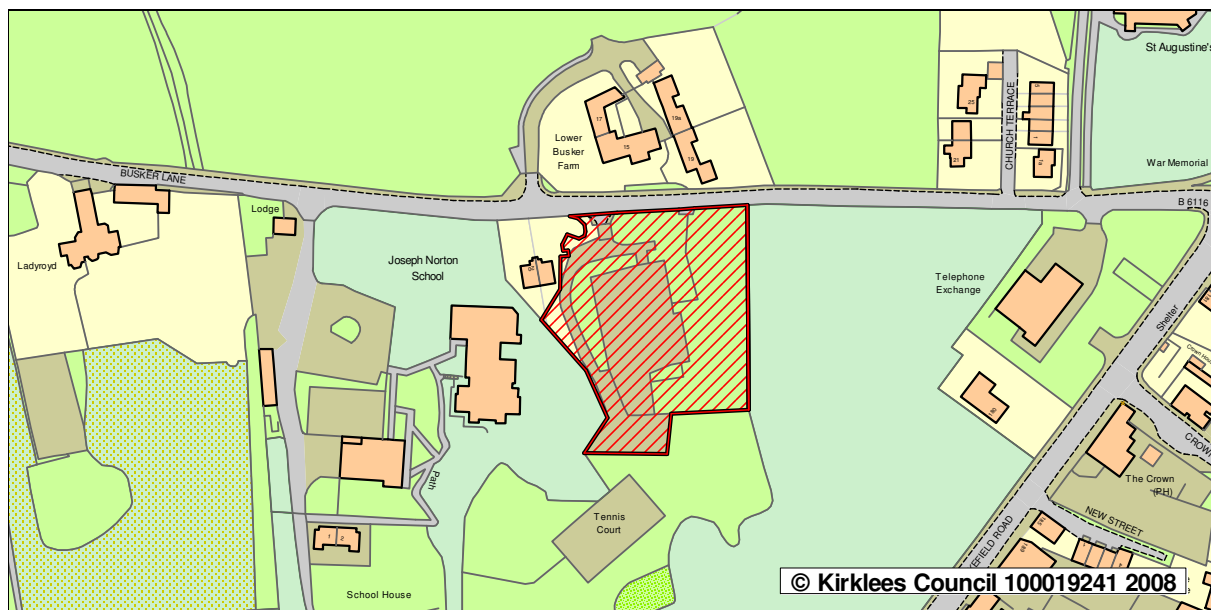
10-Apr-2017

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: Y/NWard 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:

Dementia care to be provided in perpetuity as part of the proposed care facility.

1.1 INTRODUCTION

- 1.2 The proposed development involves an inappropriate form of development in the Green Belt and therefore, represents a departure from the Development Plan. It is referred to Strategic Planning Committee on this basis.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site comprises an approximately 0.59ha parcel of land located on the southern side of Busker Lane. The site lies wholly in the Green Belt. The site was previously occupied by Scisset Mount care home which closed in 2007 and the buildings were demolished sometime after 2012. The site does not contain any buildings.
- 2.2 There is an existing access to the site off Busker Lane which served Scisset Mount and also serves a pair of semi-detached dwellings which are located close to the western boundary of the site. The dwellings would remain in residential use.
- 2.3 The site lies on the edge of relatively open countryside less than 0.5km to the west of Scissett. It is bounded by Busker Lane to the north (and Lower Busker Farm beyond); Nortonthorpe School to the west and south; and woodland to the east. Areas of hardstanding and a number of mature trees exist on the site, including a substantial Oak tree in the south-east corner
- 2.4 The site slopes down from north-west to south-east. Whilst there are some elements of the site which have naturally regenerated, there are extensive areas of hardstanding and other built elements and overall, it is considered that the site constitutes brownfield land.

3.0 PROPOSAL:

3.1 The proposed development involves the erection of a care home facility (C2 use class) which would include a total of 85 rooms set within a predominantly three storey building (and an additional basement storey). The design/layout specifics include:

- A total building footprint of 1,425m² and volume of 13,370m³.
- Rooms for 36 dementia care individuals and 49 rooms for those with nursing/residential social care needs.
- The submitted plans include a swimming/hydrotherapy pool and gymnasium area. It is the intention to link this with the Dementia Friendly Swimming Hub to enhance the experience of those living with dementia. The pool would also be available to other residents of the care facility.
- Mainly 3 storey with a slightly lowered roof on the eastern part of the site facing Busker Lane. The front gable projecting element which projects closest to Busker Lane to be 2.5 storeys in height.
- Car parking area positioned close to the site entrance with 27no parking spaces.
- Materials comprising mainly stone with reconstituted slate pitched roofs with elements of render. Glass balustrading and a modern glazed entrance.
- Landscaped garden area to the east for use by residents.
- Ancillary accommodation within the building comprises communal lounges, hydrotherapy/swimming pool, gymnasium, shop, hair salon and staff areas.

3.2 All rooms would be single with en-suite facilities including a shower. The scheme has been designed to promote independence. There would be a 'wing' of the building dedicated to specialist dementia care.

3.3 There are no details of boundary treatment, although it is assumed that a fence will surround the site, supplemented by landscaping in places.

3.4 The scheme is designed to accommodate residents aged 55 years and over for those with residential/nursing social care needs and/or dementia.

3.5 The proposal would employ a total of 12 full time and 12 part-time staff.

4.0 BACKGROUND AND HISTORY:

4.1 The recent planning history of the site is detailed below:

2012/92381 - Erection of residential home (with step-up apartments) – Approve, subject to conditions.

4.2 The planning permission above also included the demolition of the existing building and structures associated with Scisset Mount. Following the grant of planning permission the buildings and structures were removed.

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).

5.2 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 with the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework, these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved 2007) remains the statutory Development Plan for Kirklees.

5.3 The application site is allocated as Green Belt in the Unitary Development Plan and the emerging Local Plan.

UDP Policies:

H16 – Proposals relating to residential homes for the elderly

G6 – Land contamination

T10 – Highway safety

BE1 – General Design Principles

BE2 - Design of new development

BE23 – Crime Prevention Measures

EP4 – Noise Sensitive Development

EP11 – Ecological Landscaping

5.4 Many policies within the National Planning Policy Framework are relevant to this proposal and, where relevant, are referred to in the main report text.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been advertised in the press, by site notice and by neighbour letter as a Major Development and a Departure from the Development Plan. Amended plans were submitted during the course of the application and re-advertised following amendments to the layout and scale of the development, and the provision of additional justification for the proposal.

6.2 A total of 5 representations have been received. In addition, an objection has been raised by Councillor Graham Turner. The objections received can be summarised as follows:

- The new application is now proposing 85 bedroom Care Home. This is clearly well in excess/over the original care home size and will have a significant impact on the immediate local area of Busker Lane.

Officer response – This is covered in more detail in the 'Principle of Development' and 'Design' section of this report.

- The proposed building is three storey's with a basement. The previous applications Ref 2012/62/92381/E, was for a mixture of two and three storey buildings which sat in the landscape more appropriately, this design would be more acceptable to the local residents of Lower Busker Farm. The proposed new build takes on the appearance of a "Travel Lodge" in my opinion and in no way enhances the surrounding local vernacular.

- Officer response – *This is covered in more detail in the ‘Principle of Development’ and ‘Design’ section of this report.*
- This drawing has not taken into account the requirement for lighting for safe entrance into the site and general lighting around the carpark. If there is no drawing to cover this important point then the application is not complete and not acceptable. There is NHS general lighting standard for lighting which could be applied in this case.
- Officer response – *Conditions recommended requiring lighting details to be submitted and approved in order to prevent light spill and in the interests of local ecology.*
- The trees at the north of the site appear to be well established this is not the case at present and will allow light spillage onto the residence of Lower Busker Farm and make the new development exposed from Busker Lane and the Lower Busker Farm residents.
- Officer response – *A landscaping scheme is recommended.*
- There is no indication of CCTV on the drawing CCTV for the development cannot impose a threat to the privacy of the residents of Lower Busker Farm. How will this be addressed?
- Officer response – *Condition recommended. In any event, given the distance between the proposed building and Lower Busker Farm there is no reason why any camera would be positioned towards Lower Busker Farm.*
- The design has no reference to an Ambulance parking area, these vehicles are bigger than a normal vehicle and should have a designated parking area with easy access to the building. Consideration should also be given for a requirement for Mini Buses, Large Taxis which require a larger area around them to allow for access by wheel chairs. Has any consideration been given to Daily deliveries to the Kitchen area and maintenance vehicles?
- Officer response – *This has been addressed. See highways section.*
- Noted from this drawing that the dry riser is at the back of the building, how will the Fire Brigade access the connection point of the dry riser to carry out any firefighting requirements?
- Officer response – *Not a planning matter. Will be addressed as part of Building Regulations.*
- Plant Room – No indication of any plant i.e. boiler, heat exchangers etc. The boiler will it need a Flue, how will it be attach to the building, outside or inside? This issue has not been addressed in any drawing.
- Officer response – *Environmental Health has considered this comment and recommend an additional planning condition to deal with this.*

- General Drain Down – How can a drain down affect the local community drainage system. Chemicals and suspended solids from the boiler/plant? Has a Drainage Survey been carried out?
- RO Plant is there any. If there are the intake and extract need to be annotated on the drawings.
- Officer response – *Environmental Health has considered this comment and recommend an additional planning condition to deal with this.*
- Can a drain down of the boiler with the added chemicals and suspended solids be accommodated by the 225mm main drain down Busker Lane? Drainage issue.
Officer response – *Drainage information currently being assessed by the Council. Update to be provided to committee. However, this is likely to be an issue for Yorkshire Water outside of the planning process.*
- Staff room - There is a window in the staff room however is this enough for the required air changes for this area? If there is a requirement for cooling/ air changes in the area how will it be achieved and is there any requirement for outside split units, intake or extract vents. These have not been shown on any drawing. I would question the distances for natural air in this area.
Officer response – *Not a planning matter.*
- Laundry - Note that there are tumble dryers in this area, how are they exhausted to atmosphere, if by an exhaust pipe why has this not been shown on any drawn? How is the area cooled and ventilated?
- Officer response – *Environmental Health has considered this comment and recommend an additional planning condition to deal with this.*
- How is the washing machine waste water dispose of? Note: that this is a basement area and it's possible it will require pumps, can the present local drainage cope with all the extra drainage requirements? Is the plant room big enough to handle all this equipment?
- Officer response – *Not a planning matter.*
- Kitchen –_Kitchen extract how will it be installed and what impact will it have on the visual aspect of the outside of the building? Has a noise and odour survey been carried out?
- Officer response – *Environmental Health has considered this comment and recommend an additional planning condition to deal with this.*
- What are the cooling and ventilation requirements for this area and how will it be achieved? Will there be any impact to the façade of the building i.e. split unit cooling units and ventilation grills.

- Officer response – Condition recommended. Applicant confirmed they will use colour match grilles to cladding/stone to lessen impact. There would be positioned on oblique or rear elevations wherever possible.
- General Circulation Spaces – how is ventilation achieved in these areas to comply with current regulations? Will this have any additional hardware on the outside of the building such as split unit cooling, supply and extract vents if so these are not on any drawing and the submission is incomplete.
- Officer response – Not a planning matter. Any external elements to be subject to a planning condition.
- Pool Area. If the pool had to be discharged to drain in an emergency can the 225mm main local drain handle this quantity of water without any damage.
- Officer response – Drainage information currently being assessed by the Council. Update to be provided to committee. However, this is likely to be an issue for Yorkshire Water outside of the planning process.
- Drainage – It is noted that there is no drainage survey so how can we be certain that the present system is capable of this new demand of the new 85 residents plus staff and amenities.
- Officer response – Drainage information currently being assessed by the Council. Update to be provided to committee
- General - How will building waste be taken from the site and controlled?
- Officer response – The revised access proposals demonstrate that an 11.85m refuse vehicle can enter and exit the site in forward gear. Refuse would be collected from site. Bin store details to be conditioned.
- How will Busker Lane be kept clean from lorry waste off the wheels?
- Will there be a Wheel Wash on site?
- Officer response – a Construction Management Plan would be requested by a planning condition.
- Is this development subject to BREEAM Accreditation, if so to what level of accreditation can be expected.
- Officer response - The scheme will be delivered to Building Regulation Standards in line with Approved Document L, discussed in the D&A Statement. We will do an SBEM Calculation as per Part L2a which will confirm energy performance of the building. We will also look to provide a renewable energy system such as CHP.
- The development of the proposed new entrance will require considerable traffic management and huge inconvenience for all that use the Lane. Traffic control issue, which needs resolving with the council and the contractor. This road is deemed as a “Dangers” and there is a blue erected sign at the bottom of Busker Lane stating “West Yorkshire Police High Accident Route Priority Enforcement” The last sever

accident was 28 January 2017 which closed Busker Lane for some considerable time.

- The development will provide 27 car parking spaces within the curtilage of the site and in keeping “the Planning service Parking Standards issued by the Kirklees Council. The Standard clearly identifies that Nursing Homes are classed as C2 Residential Institutions and parking spaces are allocated 1 space per 3 Nursing staff and Ancillary Staff and 1 space per 6 resident/visitors. This equates to 22 spaces but no mention of a doctor’s space, ambulance space, maintenance and general deliveries.
- What provision will be made for weekend visitors which will probably fill the car park, has there been any provision for an overspill car park?
- Officer response – See ‘highways’ section of report.
- What provision has been made for parking for the contractor’s work force during the construction?
- Officer response – A planning condition is recommended requiring the submission of a Construction Management Plan.
- The Transport Statement states “An existing pedestrian footway of approximately 1.5 meters in width is situated on the northern side of Busker Lane” This statement is totally incorrect and discredits the report, the 1.5m is only true at the entrance of Lower Busker Farm the footway in both directions is not even and in some places is down to 700mm (no room for a standard wheelchair) and pedestrians cannot walk side by side. One safety issue is that if two pedestrians have to pass each other one pedestrian has to step into road. A further safety issue arises if two large Lorries have to pass each other the risk of an accident to pedestrians is increased by the overhanging wing mirrors and the vortex generated by the vehicles which tends to pull the pedestrian in toward the lorry.
- Busker Lane is on a very steep hill and rises from Scissett to the Lower Busker Farm entrance on a high gradient (approx. 15%) which is not suitable for the elderly or wheelchair confined people or cycles.
- The pathways on Busker Lane are not capable of taken two people side by side or two people cannot pass without one person stepping into the road. I believe this report has been done as a desk top exercise and not by gathering the true measured information from the area concerned.
- Site not accessible by bicycle due to gradient of Busker Lane.
- The nearest bus stop to the site is located on Busker Lane approximately 50 meters from the centre of site is for buses going down the hill the nearest bus stop going up the hill is approximately 125m up the hill with no footpath on that side of the road. Report conveniently fails to mention this issue.
- There is a new development higher up the hill towards Skelmanthorpe which is an 80 + new home development and will offer needs for additional cars onto Busker Lane

for access to Holme Firth, Wakefield and the M1. The addition of the new proposed Care Home traffic and the new development known as the Paddocks onto the B6116 will increase traffic and have an adverse effect for the safety of the local residence and infrastructure in the vicinity of the entrance to Lower Busker Farm and the proposed entrance to the site.

- Not a good location for a zebra crossing.
- Officer response – See 'highways' section of report.
- The habitat survey report Ref 13252/JoC Section 4.3 Potential for Protected Species, para 4.3.4 a bat survey will required if any trees are to be removed to identify which trees have the potential to support roosting bats and if they are currently being used as roosting sites.
- Officer response – This will be clarified by way of an officer update to Strategic Planning Committee. The applicant is preparing additional detail in response.
- Councillor Graham Turner - The entrance needs to be wide enough to get vehicles, including ambulances in and out easily, but the large trees that screen the site need to be retained.
- Officer response – See 'highways' section of report.

7.0 CONSULTATION RESPONSES:

7.1 K.C Strategic Drainage – Comments to be reported as an update to the Strategic Planning Committee

K.C Crime Prevention – No objection subject to conditions.

K.C Conservation and Design - No objection as this follows the advice contained in the pre-application submission; I raised no objection at that time. Should permission be granted then I would suggest a condition requiring materials and windows to be agreed.

K.C Highways – No objection subject to conditions.

K.C Environmental Health – No objection subject to the imposition of appropriate conditions.

K.C Ecology and Biodiversity Officer – Final comments to be reported as an update to the Strategic Planning Committee.

Yorkshire Water Services – No objection subject to a condition.

Denby Dale Parish Council – No objections. However, Councillors noted the need for more on-site parking

8.0 MAIN ISSUES

Principle
Design and Heritage
Residential Amenity
Highways
Trees
Ecology
Drainage
Recommendation

9.0 ASSESSMENT

Principle of development

- 9.1 The site lies on a parcel of brownfield land which is located in the Green Belt. Whilst there was previously a building on the site associated with Scisset Lodge, it was demolished post 2012. In any event, the proposed development involves a building much larger than the existing building associated with Scisset Lodge. The NPPF makes it clear that development in the Green Belt is inappropriate other than for a number of defined purposes, one of which is the partial or complete redevelopment of previously developed site (brownfield land), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.
- 9.2 Whilst the site has naturally regenerated to some extent, there is clear evidence of recent development owing to the extensive areas of hardstanding and remnants of existing buildings and structures. It is considered to constitute a brownfield site for the purposes of the NPPF. Paragraph 111 of the NPPF encourages the re-use of brownfield land.
- 9.3 It is quite clear in this case that the proposed development would have a greater impact on the openness of the Green Belt than the existing development. Consequently, the proposal constitutes inappropriate development in the Green Belt.

Openness and Visual Amenity

- 9.4 Openness is an essential characteristic of Green Belts and depends mainly on the amount of development in the area. As this part of the Green Belt includes a number of detached buildings along Busker Lane, and the proposed development would be positioned as a continuous part of the existing and established building line, it is clearly less open than some of the surrounding open countryside. However, the NPPF does not distinguish between the importance of openness in different parts of the Green Belt and this proposal would materially increase the amount of built development on the site and consequently reduce the openness of this part of the Green Belt.
- 9.5 Notwithstanding the above, planning permission was granted in 2012 for the erection of a care home facility with a total footprint of approximately 1,512m² (ref – 2012/92381). The approved development was carried out insofar as the existing Scisset Mount care home building was demolished – the existing building was predominantly single storey and two storey in height. However, it is noted that the pre-commencement conditions associated with planning permission 2012/92381 were

not discharged and consequently it does not appear that the 2012 planning permission was properly commenced. However, given that policies relating to Green Belts in the UDP and the NPPF have not altered since 2012, the total footprint/volume of buildings associated with planning permission 2012/92381 is a material consideration.

- 9.6 More importantly in respect of measuring the impact on the openness of the Green Belt, the volume of the proposed development would be approximately 13,370m³ and according to the applicant's calculations, this is broadly the same volume as the building approved in 2012.
- 9.7 It is noted that the permitted building in 2012 was a split-level design which meant that approximately half of the building stepped down and sat on a lower level which reflected the sloping nature of Busker Lane. Due to a requirement to provide level access across the whole building, it has not been possible to step the building down in the same manner.
- 9.8 The site lies on a lower level than the existing dwellings and Joseph Norton school which are located on the sites adjacent to the west on Busker Lane. The submitted cross sections indicate that even though large proportion of the building would be set over three storeys, the roof would appear no higher than the existing dwellings and school adjacent.
- 9.9 Overall it is concluded that the proposed development would have a slightly greater impact on openness than the recently consented care home development. It would have a much greater impact on openness than the existing site.

Purposes of Including Land in the Green Belt

- 9.10 The site falls outside the defined settlement boundary. However, the land on which the development is proposed has long been used for similar purposes. The proposed development would populate this brownfield site with a building which would follow an existing ribbon of development which stretches along Busker Lane to the west. Consequently, the proposed development would not lead to encroachment, unrestricted sprawl or the merging of towns and therefore, would not conflict with the purposes of including land in the Green Belt as outlined in paragraph 80 of the NPPF.

Other Considerations

- 9.11 The application has been accompanied by a Needs Assessment which outlines a number of issues pertinent to the determination of this application:
- Within the Kirklees and West Yorkshire there is a lack of facilities offering a good quality service for nursing and dementia. The proposal offers such a facility with provision for up to 36 people who have a diagnosis of dementia or a dementia type illness. The remaining 49 beds will offer support to people on a residential or general nursing basis.
 - The nearest home offering the internal specification of a new build home is 'The Denby' at Denby Dale however, this 47 bed care home offers care on a residential basis only and does not offer any care for people living with dementia. The future of Woodlands Court Care Home is significantly in doubt. Other homes within the area are older style care homes. The proposed development for a care home with nursing on Busker Lane is going to provide an environment that is not readily available in any

other care home to support people living there including those living with dementia or a dementia type illness.

- People living with dementia are being placed in care homes out of the Kirklees area which may cause increasing and unnecessary confusion. Spending valuable time with family and friends is made difficult by travel times and links with the community are difficult.
 - The proposed hydrotherapy facility would offer additional benefits for dementia care
 - Currently there are around 4,800 individuals living in Kirklees who are estimated to have dementia, this figure is expected to increase to more than 7500 by 2030 (The Dementia Challenge in Kirklees – 2015-2020).
- 9.12 The Needs Assessment has been assessed by the Council's Commissioning and Health Partnerships Department. They have also been to visit a recently built scheme which is broadly similar to the proposal. They are of the view that there is a real need for the provision as proposed in Kirklees. In addition, they are of the view that the case for the hydrotherapy pool has been presented well and they would expect the facility to be used by local dementia groups.
- 9.13 Notwithstanding the above, it is acknowledged that the proposal would offer 36 beds for dementia care, with the remaining 49 beds being for general residential nursing care. In effect, these areas would be located in separate wings of the building. However, the facility would not necessarily offer 'separate' provision as there may be some people who require general provision (low-level dementia needs) for some years before they require specialist dementia nursing care. The proposed development would cover different types of dementia needs and allow those people with growing specialist care requirements to reside in the same facility, thus reducing the stress associated with moving to a different facility for those who develop dementia in a care home where no specialist care is available.
- 9.14 Overall it is considered that the need for the development, particularly the need for dementia facilities in Kirklees, weighs significantly in favour of the scheme.

Design & Heritage

- 9.15 Policies BE1 and BE2 of the UDP are considerations in relation to design, materials and layout. The NPPF (paragraph 64) states that "*design which fails to take the opportunities available for improving the character and quality of an area should not be accepted.*"
- 9.16 Whilst it is considered that the building would appear larger than that permitted in 2012 due to the fact it would be a continuous three storey building across the whole front facing elevation, the design of the building would comprise stone and render with sympathetically styled window frames and doors. It also includes a number of more contemporary glazed elements (such as an entrance porch). Consequently, the building would have a more organised appearance than the previous proposal but one which is considered to reflect local vernacular and given its set back from Busker Lane, relate acceptably in terms of scale and design. The design is considered to be an improvement over the 2012 planning permission.
- 9.17 Whilst it is inevitable that the development would be intermittently visible from Busker Lane, there is sufficient space within the site to shore up the existing boundary treatment with mature, native tree specimens. Where there would be obtainable

views of the building, the use of traditional and sympathetic materials would assist in assimilating the development with the street scene. Lighting details would be requested via planning condition, but it is not envisaged that the site would be significantly illuminated beyond the site boundary.

- 9.18 In terms of crime risks/prevention, there are no concerns raised by the Crime Prevention officer subject to the imposition of appropriate planning conditions, in accordance with policy BE12 of the UDP.
- 9.19 Lower Busker Farm sits on the opposite side of Busker Lane and is a grade II listed building. It sits within a complex of other buildings. The setting of the listed building is considered to be relatively limited to the land immediately surrounding the building which goes to make up its curtilage. Consequently, given the location and scale of the proposed building being set back on the opposite side of Busker Lane, it is not considered that the proposed development would adversely affect the setting of Lower Busker Farm.

Residential Amenity

- 9.20 The closest residential properties to the site lie immediately adjacent at a distance of approximately 3m from the application site. The blue line boundary indicates that these dwellings are under the control of the same landowner. The proposed car parking area would face the gardens associated with these dwellings on a level approximately 2-3m lower. Given the circumstances above and the fact that additional planting and screening could be provided between the car parking area and the existing gardens, there would be no significant impact on the amenity of these occupiers. They have not objected to the proposals.
- 9.21 Lower Busker Farm lies on the opposite side of Busker Lane and there are a number of other properties along Busker Lane towards the junction with Wakefield Road. The use would generate vehicular movements, but these would be relatively evenly spread throughout the day, with significantly less movements during the night due to the nature of the use proposed. Noise and disturbance during the night time period within the car park is likely to be well controlled given that staff members will be particularly conscious of disturbing any residents located within the care home.
- 9.22 In respect of the occupiers of the proposed care home, there would be sufficient amenity space within the site for future occupiers. The proposed development is considered to comply with policy H16 of the UDP.

Highways

- 9.23 UDP Policy T10 states that “New development will not normally be permitted if it will create or materially add to highway safety or environmental problems or, in the case of development which will attract or generate a significant number of journeys, it cannot be served adequately by the existing highway network ...”
- 9.24 The amended plans include revisions to the site access. However, they do not alter the position of the access; rather they include revisions to the junction layout with Busker Lane:
- A revised access with a perpendicular alignment to Busker Lane and a 6.m junction radii.
 - A 6.0 metre carriageway width to cater for an 11.85 metre refuse vehicle.

- 2.4 x 43 metre visibility splays drawn to the carriageway edge.
- 9.25 The access would serve the proposed care home facility and the existing residential properties adjacent, which have historically been served by the same access.
- 9.26 Busker Lane is subject to a 30mph speed limit but it is not as built up and urbanised as some other streets within Scisset or Clayton West. The submitted Transport Assessment considers that the development would generate a total of 170 two way vehicular movements, 10 In and 4 Out during the AM peak and 5 In and 9 Out during the PM peak. Kirklees Highways DC have assessed the submission and consider that the movements of vehicles proposed would have minimal impact on the local highway network, and trips during the peak hours would not have any significant impact on junction or network capacity. It is unlikely that any vehicles waiting to turn into the site would have a discernible impact on Busker Lane due to the low levels of vehicular movements involved.
- 9.27 The proposal utilises the existing access, which is to be widened in order to accommodate two way vehicular movements with a segregated pedestrian footway. The existing wall would be re-sited in order to achieve visibility of 2.4m x 43m in both directions.
- 9.28 The internal layout incorporates a total of 27 car parking spaces which is in excess of the UDP parking standards which require:
 1 space per 6 beds for residents/visitors
 1 space per 3 staff.
- There would also be a space for an ambulance which could double up as a mini-bus pick-up/drop-off.
- 9.29 Therefore, concerns raised regarding insufficient parking provision during busy times such as weekends have been addressed as the proposed development is providing more parking than is required by the UDP.
- 9.30 In terms of accidents along Busker Lane, there has been one incident reported between 1st January 2012 and 31st December 2016. The accident was classified as slight in severity. A resident also reports a more recent and severe accident. However, it is not considered that there are specific accident or highway safety problems in the area and there is no evidence to suggest that the proposed development would have an adverse effect on road safety. Highways have assessed the position of the proposed crossing point and raise no objections.
- 9.31 The development impacts of the proposal fall well short of the 'severe' test as detailed in paragraph 32 of the NPPF. On this basis the proposal is considered to comply with policy T10 of the UDP.

Accessibility

- 9.32 The proposal involves a new footway which would follow the site entrance and extend east and west over a short stretch. The footway extending east would include a pedestrian crossing facility to allow pedestrian access onto the opposite side of Busker Lane.
- 9.33 The proposals for a pedestrian crossing would significantly improve accessibility by foot for future staff and residents. It would allow a safer access point to the nearest bus stop which is almost opposite the site entrance on Busker Lane. However, it is

noted that the existing footway on Busker Lane, which leads into the main village centre, is narrow in places.

- 9.34 The applicant has undertaken a number of measurements along Busker Lane to establish the width of the footway. This assessment clarifies that the width is generally between 1.2m and 1.5m. However, there are a number of pinch points due to existing street lighting columns and telegraph poles. The narrowest part of the footway is 0.76m wide, located adjacent to a telegraph pole. Other pinch points adjacent to street lighting columns result in the footway being 1.2m wide.
- 9.35 A footway width of 1.2m wide would facilitate two people walking side by side without them having to step out into the road. The width of 0.7m would mean that pedestrians had to negotiate Busker Lane in single file. The applicant has submitted additional information which demonstrates that some wheelchair types would also be able to pass the narrowest pinch point. However, there are some wheelchair types, including electric scooters, which would be too wide to negotiate the narrowest part of the footway.
- 9.36 On the basis of the evidence submitted and on-site observations, there are clear constraints associated with the existing footway along Busker Lane. Whilst the footway can support pedestrian movements, there are particular constraints associated with the movement of wheelchairs and mobility vehicles at a number of pinch points. However, the application offers to improve accessibility by proposing a pedestrian crossing point close to the site entrance. This would allow improved accessibility to public transport which would be a realistic alternative for the mobility impaired. In addition, the proposed development includes a small range of on-site facilities (gym, hair salon, shop) reducing the need to travel. Finally, a Travel Plan would be required as part of the proposed development (secured by planning condition) and this could include measures to improve accessibility into the nearby village (i.e. free bus tickets etc).
- 9.37 On the basis of the above, and given that planning permission was granted for a care home facility in 2012, and the site was previously occupied by a care home, the proposal would improve existing pedestrian access by improving footways around the site entrance, and providing a crossing point facility.
- 9.38 In terms of access by bicycle, the site is in close proximity to the West Yorkshire Cycle Route. Subject to a condition requiring the provision of cycle facilities, the proposed development is considered to provide suitable access for cyclists.
- 9.39 There are two bus stops within 400m, one of which lies approximately 50m away providing regular access into Huddersfield, Holmfirth and Denby Dale.
- 9.40 Overall it is considered that the site is constrained to some extent by poor pedestrian access into the local centre. However, the scheme would improve pedestrian and public transport links over and above the previous 2012 planning permission, primarily as a result of the proposed crossing point and improvements to the footway at the site entrance. The NPPF requires safe and suitable access to site can be achieved for all people. Given the context, details and mitigation measures detailed above, it is considered that the proposed development would result in safe and suitable access for all people, in accordance with paragraph 32 of the NPPF and policy H16 of the UDP.

Trees

- 9.41 The application has been accompanied by an arboricultural report which identifies the removal of 6no trees, including a large Oak tree, which is positioned close to the site entrance. Policy NE9 of the UDP requires that mature trees be retained within the application site wherever possible.
- 9.42 In order to achieve sufficient visibility splays it is necessary to remove the Oak tree which lies close to the site entrance. Whilst the applicant did consider moving the access further down Busker Lane, this made access to the existing dwelling (which is currently served by the existing access) problematic because it would have meant the residents of the dwelling would have to drive through the car park to the care home in order to reach their house. There were also issues achieving the desired visibility from the proposed site access. Therefore, the upgrade of the existing access appears to be the most suitable resolution.
- 9.43 The removal of the large Oak tree was agreed as part of the previous planning permission (ref - 2012/92381) and the current application would therefore, not deviate from the previous consent. There are a number of other trees along the frontage which would also be removed, but these are not worthy of retention. The Council's tree officer has assessed the proposal and raises no objection, subject to appropriate replacement trees along the frontage. Given the circumstances above, and the need to provide suitable access to the site, the proposed replacement trees are considered to satisfy the requirements of policy NE9 of the UDP.
- 9.44 There is a large Oak tree within the site which would be retained and the scheme has been designed so as to avoid this tree. A condition is recommended to ensure continued protection of this tree.

Ecology

- 9.45 The applicant has carried out an ecological survey. This reveals that the site has predominantly low ecological value. The Council's ecologist raises no objection to the proposed development on the basis that suitable provision is made for landscaping and lighting. However, some of the trees on the site may have the potential for bat roosts and additional information has been requested from the applicant. An update will be provided to Strategic Planning Committee addressing this matter.

Drainage

- 9.46 The site has previously been occupied by a care home facility which would have connected to the existing sewage network. The applicant has undertaken a series of percolation tests and the existing ground conditions do not appear to support sustainable drainage techniques such as swales or permeable surfacing. Therefore, the proposed development involves on-site attenuation.
- 9.47 At the request of the Council's drainage officer, additional drainage details have been provided by the applicant. These are currently being assessed and an update will be provided to Strategic Planning Committee.

10. RECOMMENDATION

- 10.1 The proposal would materially harm the openness of the area and be a form of inappropriate development in the Green Belt. Substantial weight is attached to this

harm to the Green Belt. Whilst the volume and area of the proposed building is largely the same as the care home granted under planning permission 2012/92381, it is likely to be slightly more prominent due to the roof form and layout.

- 10.2 The proposal would deliver a dementia care facility on a brownfield site which was formerly used as a care facility. There is a shortage of dementia care facilities in Kirklees whilst cases of dementia continue to rise and the proposal is in line with the general aims of the National Dementia Strategy and the Joint Dementia Strategy (Kirklees, 2015) in that it would provide, and improve, existing dementia care provision. Given the significant shortage of dementia care facilities, and the important health and social contribution quality dementia care provision provides to the wider community, this weighs significantly in favour of the scheme. In addition, the proposed development offers some benefits over the planning permission 2012/92381:
- Dementia care element to be secured by S106 Agreement;
 - Improved pedestrian/wheelchair accessibility onto Busker Lane by proposed crossing point.
 - A more coherent design.
- 10.3 The site is in a reasonably accessible location and the proposed pedestrian crossing would counter, to some extent, concerns expressed regarding the existing footway which runs along Busker Lane. There would be an adequate choice of sustainable travel modes. Other matters regarding highway safety have been satisfactorily addressed in accordance with paragraph 32 of the NPPF.
- 10.4 The design of the scheme is considered to be acceptable in context and would not appear out of character with the local area. The loss of the trees along the frontage could be mitigated by appropriate landscaping. Conditions are recommended to address concerns relating to drainage and ecology.
- 10.5 Overall the proposed development is considered to offer a much needed dementia care facility. The need for the development, the re-use of brownfield land and the fact that a scheme with a broadly similar impact on the Green Belt was recently accepted on this site (planning ref – 2012/92381) is considered to constitute very special circumstances required to clearly outweigh harm to the Green Belt in this case and consequently, it is recommended that planning permission is granted subject to the following.

Approve subject to a S106 requiring dementia care to be provided in perpetuity and subject to the following conditions:

1. 3 years
2. Approved plans
3. Materials
4. Tree protection
5. Landscaping details
6. Ecological enhancement details
7. Contaminated Land
8. Noise from plant room
9. Odour/Extraction/Ventilation
10. Lighting
11. Boundary treatment

12. Parking areas to be provided prior to use commencing
13. Parking areas to be hard surfaced and drained
14. Visibility Splays to be provided in accordance with approved plans
15. Details of CCTV
16. Drainage
17. Construction Management Plan
18. Bin store details

Report of the Head of Development Management

STRATEGIC PLANNING COMMITTEE

Date: 27-Apr-2017

Subject: Planning Application 2017/90473 Erection of 1 dwelling Springfield Farm, Moorside, Cleckheaton, BD19 6JH

APPLICANT

Mr & Mrs Lodge

DATE VALID

14-Feb-2017

TARGET DATE

11-Apr-2017

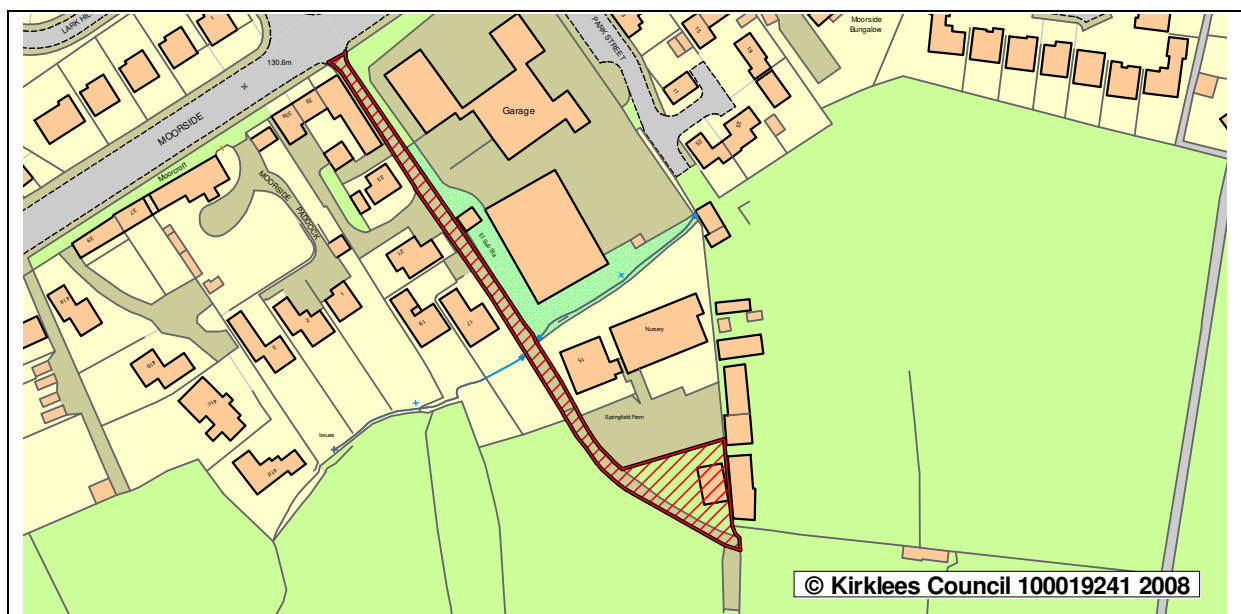
EXTENSION EXPIRY DATE

02-May-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: Cleckheaton

N

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 application is brought to Strategic Planning Committee as the development represents a departure from the Unitary Development Plan.

2.0 SITE AND SURROUNDINGS:

2.1 The application site currently has a single storey storage building that is proposed to be demolished. It is located off a well surfaced, single width private drive accessed from Moorside, Cleckheaton. There are currently a number of existing buildings including a day nursery outside the red line boundary of the application site, but within the applicants ownership. To the east, outside the application site are a number of agricultural buildings of mainly timber construction.

2.2 The land to the south, east and west is characterised predominantly by open fields allocated as Urban Green Space within the UDP. Moorside itself is predominantly residential in nature, however there are some commercial uses in the immediate vicinity.

3.0 PROPOSAL:

3.1 Full Planning Permission is sought for the erection of one detached dwelling. This would be located close to the south east boundary of the site, on land currently occupied by the existing store. The proposed dwelling would have the appearance of a dormer bungalow, constructed of natural stone with artificial stone roof tiles. Areas of hard and soft landscaping would be provided to the front, sides and rear of the site.

3.2 Access to the site would be via the existing driveway off Moorside.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 2014/90108 – Erection of detached dwelling, change of use and extension to existing dwelling to out of hours club and erection of detached store – approved (implemented by change of use of existing dwelling to out of hours club)

2003/95098 – Deemed application (via enforcement appeal) for erection of field shelter/store and surfacing - approved

2002/93743 – Erection of extension to day nursery - refused (highways grounds)

2002/92219 – Erection of extension to day nursery - refused (highways grounds)

99/90457 – Erection of day care nursery - approved

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 None undertaken.

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 D3 – Urban Greenspace
BE1 – Design principles
BE2 – Quality of design
BE12 – Space about buildings
T10 – Highway safety

T19 – Parking standards

National Planning Guidance:

- 6.3 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, together with Circulars, Parliamentary Statements and associated technical guidance.

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

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

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application has been publicised by site notice and neighbour notification letter. No representations have been received as a result of publicity.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways DM: No objections subject to imposition of conditions

Non-statutory:

KC Environmental Services: No objections subject to imposition of condition

KC Ecology Unit: No objections subject to imposition of conditions

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 located within Urban Green Space (UGS). 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:
- (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.
- 10.2 The National Planning Policy 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 NPPF 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.
- 10.3 Within the adopted UDP, the application site is designated as part of a larger area of UGS, where Policy D3 applies. In this respect, a residential scheme, as proposed, would not accord with Policy D3 of the UDP. However, the Council is unable to demonstrate a deliverable five year supply of housing, as required by the Framework. In such circumstances, Paragraph 49 of the Framework is engaged and the relevant policies for housing supply should not be considered up-to-date.
- 10.4 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.
- 10.5 Although this represents a Departure from the Development Plan other material considerations outweigh the harm in this instance. These material considerations include the existing planning permission, the brownfield nature of the site and the lack of 5 year housing supply. It is noted that the principle of residential development on this site has previously been established in the granting of permission in 2014. At that time, Officers considered that the character and appearance of the land was not typical of land of this nature. The land was not considered to be used for outdoor sport and recreation and when viewing the site of the proposed dwelling in particular, the land was considered to be 'brownfield', having no character worthy of preserving for future outdoor sport and recreation. Furthermore the provision of housing in

this sustainable location would make a small contribution to the existing shortfall.

- 10.6 Part of the application site is currently occupied by existing buildings within a defined curtilage associated with the site and it is in this location that the proposed dwelling is intended to be developed, largely on the footprint of one of the existing outbuildings. The current application differs only from the previous approval with respect to the appearance of the development, and its slightly altered position.

Urban Design issues

- 10.7 Policies BE1 and BE2 of the UDP are considerations in relation to design, materials and layout. The layout of buildings should respect any traditional character the area may have. New development should also respect the scale, height and design of adjoining buildings and be in keeping with the predominant character of the area. Chapter 7 of the NPPF emphasises the importance of good design.
- 10.8 The proposed development would have the appearance of a dormer bungalow, constructed of natural stone with artificial stone slate roof. The scale and massing of the development is considered to be appropriate in this context, in accordance with relevant design policies. Notwithstanding this, due to the location of the site, Officers consider it necessary to remove permitted development rights for the erection of further extensions and outbuildings as these may have the potential to impact upon the visual amenities of the surrounding area. This matter could be addressed by condition.

Residential Amenity

- 10.9 The proposed dwelling would be located a significant distance from existing residential development, and would not therefore, have a detrimental impact upon the residential amenity of adjacent occupiers. As such, the proposal would accord with the aims of Policy BE12 of the Unitary Development Plan.
- 10.10 The development would be located to the south east of the existing nursery and to the west of other non-residential uses. However, the Council's Pollution and Noise Control Team raise no objections to the proposal, and thus the proposal would be in accordance with Policy D2 of the Unitary Development Plan.

Landscape issues

- 10.11 The development would include areas of both hard and soft landscaping in the form of a small area of amenity space to the front, sides and rear of the dwelling, and a vehicle parking area to the front. This would be commensurate to the scale of the proposals and in accordance with Policies BE1 and BE2 of the Unitary Development Plan, however, as noted below, some enhancement is considered to be possible from an ecological perspective.

Ecology

- 10.12 The site consists of cleared ground with rough grassland, and is consequently considered to be of very limited ecological value. No ecological information has been submitted with the application, however the Council's Ecology Officer recommends the imposition of conditions to ensure that the development incorporates some biodiversity enhancements, in the form of additional landscaping and the provision of a sparrow terrace nest box. This would ensure that the development accords with guidance set out within Chapter 11 of the NPPF.

Highway issues

- 10.13 The site is located off an unadopted access which serves two existing business and several dwellings. As noted above, the principle of the development has previously been established in the granting of permission in 2014. There has been no substantial change in circumstances since that time.
- 10.14 There have been no recorded injury accidents at the junction of the A643 and the unadopted access road leading to Springfield Farm in the last 5 years, and visibility onto Moorside is good in both directions.
- 10.15 With respect to the internal layout of the development, a double driveway is proposed with a width of 6m. This is considered to be acceptable from a highways perspective, in accordance with Policies D2 and T10 of the Unitary Development Plan,

Drainage issues

- 10.16 The applicant proposes to connect to the mains sewer. This arrangement was previously considered to be acceptable at the time of the 2014 application and there has been no change in circumstances since.

Representations

- 10.17 None received.

Other Matters

Land Contamination

- 10.18 Part of the proposed development site is shown as being potentially contaminated from its former use. The end user is one which is sensitive to contaminated land and as a consequence it is considered necessary to impose conditions in respect of site investigation and potential remediation, should any unexpected contamination be encountered. This would ensure that the development accords with the aims of Chapter 11 of the NPPF.

11.0 CONCLUSION

- 11.1 The erection of one dwelling is considered acceptable and whilst it would represent a departure from the plan would be beneficial in terms of providing and locating development in a relatively sustainable location. It is not considered that there would be any loss in terms of any visual and ecological impacts.
- 11.2 It is the opinion of officers that there would be no significant adverse impact on residential or visual amenity. Furthermore there would be no issues with regard to highway or pedestrian safety. For the reasons detailed above, it is considered by officers that, subject to the imposition of appropriate conditions, the proposal is acceptable.
- 11.3 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.

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
2. Plans
3. Samples of materials
4. Removal of permitted development rights
5. Surfacing of parking areas
6. Electric vehicle charging point
7. Reporting of unexpected contamination
8. Ecological Design Strategy

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f90473>

Certificate of Ownership – Certificate A signed:

Report of the Head of Development Management

STRATEGIC PLANNING COMMITTEE

Date: 27-Apr-2017

Subject: Planning Application 2016/93514 Erection of 149 dwellings with associated car parking, access, landscaping, public open space and drainage works Land off, Rumble Road, Dewsbury, WF12 7LR

APPLICANT

James Parkin,
Persimmon Homes West
Yorkshire

DATE VALID

18-Oct-2016

TARGET DATE

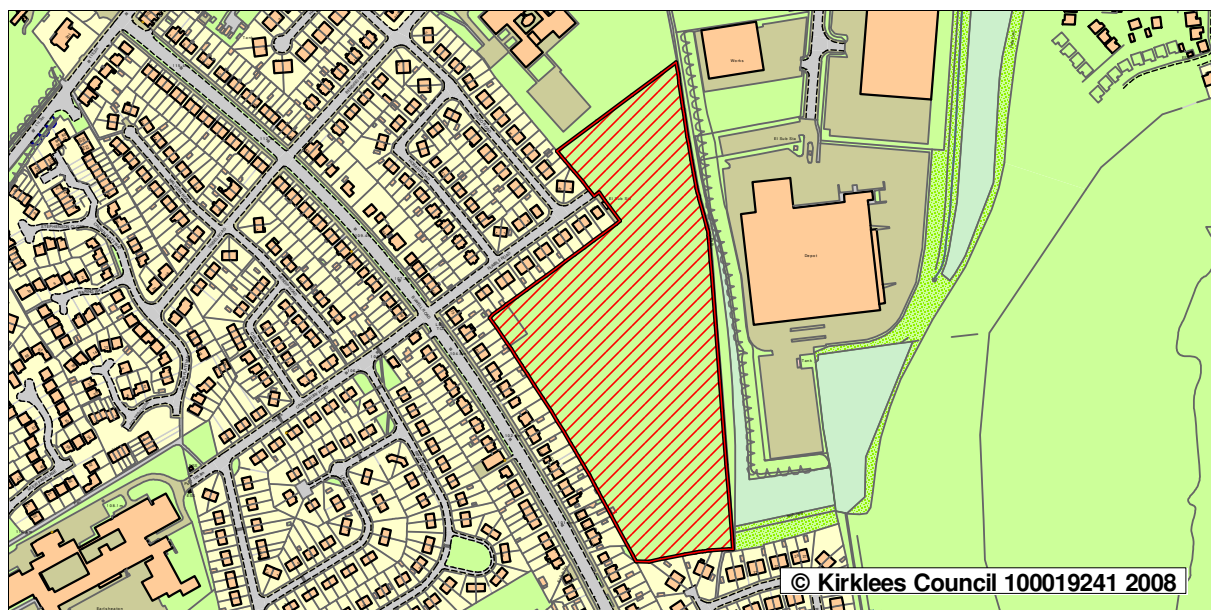
17-Jan-2017

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:

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION:

POSITION STATEMENT

For Members to note the content of the report, and respond to the questions at the end of each section.

1.0 INTRODUCTION:

- 1.1 This application is brought to Strategic Committee given the scale of the development, and as the site is allocated as Urban Greenspace in the Unitary Development Plan the proposal is a departure from the development plan.
- 1.2. The Council's Officer-Ward Members Communication Protocol provides for the use of Position Statements at Planning Committees. They set out the details of the application, the consultation responses and representations received to date and the main issues with the application.
- 1.3 Members of Committee will be able to comment on the main issues to help inform Officers and applicants. This is not a formal determination, it does not predetermine the Councillors and does not create any issues of challenge to a subsequent decision on the application by the Committee.

2.0 SITE AND SURROUNDINGS:

- 2.1. The site comprises an area of 0.43 ha, approx. 1.km east of Dewsbury Town Centre. The site is flanked to the east by residential properties on Rumble Road, Bywell Road and Selso Road. To the north are school playing fields of Bywell Junior School. To the east is, Shawcross Business Park, with industrial buildings backing onto the site, and to the south residential properties on Bywell Close.
- 2.2. Along the length of the eastern boundary, is a public footpath(DEW/131/10)This is marked by a series of railings adjacent to the business properties on Shawcross Business Park.

2.3. The site is a field, that has been ploughed and produced a crop. The land is relatively flat, and there are a number of trees ,and hedgerows around the boundary of the site.

2.4 .The site is allocated as Urban Greenspace Urban Greenspace on the Unitary Development Plan.

3.0 PROPOSAL:

3.1. Full permission is sought for the erection of 149 dwellings, a mixture of detached, semi- detached and terraced properties, with vehicular access taken off Rumble Road, which in turn links onto Bywell Road.

3.2 The scheme identifies a number of areas of open space for recreational use, also there are a number of pedestrian links throughout the site to the existing footpath, that is an important link into the surrounding area footpath network.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 There is no recent history on this site, however a previous application for 114 dwellings was dismissed at appeal 98/91581, in 1999.

4.2. Despite this there have been a number of applications recently on areas of Urban Greenspace that have been determined at Appeal, and the outcomes of these decisions are of relevance in forming a view on this piece of Urban Greenspace.

4.3. 2014/93073- Application for 39 no dwellings – land off New Lane , Cleckheaton. This was the subject of a Public Inquiry in December last year.

4.4. The sole issue for consideration at this Inquiry was the principle of defending The Urban Greenspace (UGS) from development, given its quality and benefits it delivered.

4.5. The Inspector allowed the appeal, subject to conditions, and in arriving at conclusions indicated that whilst he scheme conflicted with Policy D3, Policy D3's effect was to constrain the supply of housing, and in that respect could not be considered up to date.

4.6. He concluded that whilst the site did provide some welcome open relief in the area, its appearance/ character did not rise to the level out of the ordinary, and afforded considerable weight to the presumption in favour of sustainable housing in the absence of a deliverable 5 year housing supply, in allowing the appeal. He also concluded that the scheme offered other benefits , including affordable housing, accessible open space, education contribution etc, all of which weighed in favour of the development.

4.7. There are 2 current appeals on UGS sites both off White Lee Road, in Batley. The first is set for a Public Inquiry in early June, and the reasons for refusal include a reference to Policy D3, and the principle of developing on the site at all given its allocation and value as UGS. The second (the larger of the sites,

aka Field head Farm, has been appealed for non-determination, and an Inquiry date is still being negotiated).

- 4.8. Whilst all of the above sites were allocated as UGS and were contrary to D3 , the schemes only the Field head scheme seeks to provide a specific community benefit as indicated within Policy D3 (beyond other Section 106 requirements), to compensate for the loss of the open space. There was no offer to compensate for the loss of the open space as part of the New Lane appeal.
- 4.9 Two other appeals dealt with via written representations have been allowed by the Inspectorate (these were at Lancaster Lane, Holmfirth), where the proposals had been refused as being contrary to Policy D3.
- 4.10. The most recent decision relating to UGS site was received 3/4/17, and relates to a scheme for 3 no dwellings on land at Cuckstool Road, Denby Dale.(2016/91231).
- 4.11. The inspector dismissed the appeal stating that he gave significant weight to Policy D3 and that in his view it accorded with the NPPF. He acknowledged that there was a shortfall in the Councils housing land supply, but concluded that the scheme would result in the loss of a valued area of open land allocated as such, and that the adverse impact on the character and appearance of the area outweighed all other factors.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

- 5.1 This application was the subject of a pre application discussion, and a pre-application consultation exercise has been undertaken, this is detailed in the body of the report.
- 5.2. On the original submission some additional information and updated reports were required which were :
- An updated Flood Risk Assessment;
 - An updated Noise attenuation report;
 - Proper location of the large surface water sewer and associated easement;
 - Additional traffic monitoring relating to access and use of neighbouring schools; and
 - Alterations to the layout to address concerns regarding the objections from PROW and the Police Architectural Liaison Officer.
- 5.3 Amended plans and additional updated information has been received on all of the above, and in each case has addressed previous concerns in a positive manner, enabling positive recommendations from the Consultees. (Each of these matters are dealt with in detail, in the relevant sections of the Assessment).
- 5.4. In addition internal consultation has taken place and will continue with Ward Members on the potential use for the Community Benefit Contribution. This contribution needs to deliver a Specific Community benefit, as well as satisfying

the CIL regulations tests detailed in paragraph 204 of the National Planning Policy Framework.

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 BE1 – Design principles
BE2 – Quality of design
BE11 – Materials
BE12 – Space about buildings
BE23 – Crime prevention.
EP4 – Noise sensitive development
EP11 – Ecological landscaping
T10 – Highway safety
T16-Provision of safe pedestrian routes within development
T17- Provision/ regards for needs of cyclists
T19 – Parking standards
NE9 – Retention of mature trees
R13 – Public Rights of Way
H10 – Affordable housing
H18 – Provision of open space
G6 – Land contamination

National Planning Guidance:

- 6.3. National Planning Policy Framework:-

Part 1 Building a strong effective economy
Part 4 Promoting sustainable transport
Part 6 Delivering a wide choice of high quality homes
Part 7 Promoting good design
Part 8 Promoting healthy communities

Part 10 Meeting the challenge of climate change, flooding and coastal change
Part 11 Conserving and enhancing the natural environment.

Other Policy Considerations.

6.4. Supplementary Planning Document 2 “Affordable Housing”.

Interim Affordable Housing Policy.

KMC Policy Guidance “Providing for Education Needs Generated by New Development”.

Manual for Streets

Emerging Local Plan(site allocated as Urban Greenspace”).

7.0 PUBLIC/LOCAL RESPONSE:

7.1 A pre-application consultation exercise was undertaken. There was an exhibition and meeting at Bywell Junior School on 27th September.

7.1. This was attended by approx. 50 people, and feedback was received from 18 people.

7.2 . The principle concerns were about

- The loss of green space;
- Traffic problems/ safety;
- Visual Impact.

A number of suggestions were received indicating local areas of greenspace or greenspace use, that might benefit from improvement, as a tangible benefit to the Community.

7.3. The application has been publicised by site notice, neighbour letters, and in the local press, and a total of 18 letters of representation have been received to date:

16 objections have been received, the main points of concern being:

- Loss of valuable greenspace, development contrary to UDP and Emerging Local Plan;
- There has been a previous refusal for development on this site (1999, and that was for less units than currently proposed);
- The scheme will result in severe traffic problems in an already overly congested area, and an area which is used by school children, increasing hazard for them;
- The local infra structure can't cope- local schools oversubscribed;
- There are many empty properties and available brown field sites that should be developed in advance of green fields;

- There are problems with noise, air quality and site pollution (coal mining and radon) on this site;
- The introduction of social housing into the area, will result in an increase in the crime rate;
- A lot of the people in this area are elderly and the scheme will cause distress , during any construction;
- The development of housing at the rear of bungalows is inappropriate; The use Rumble Road as an access will cause problems for residents through additional noise and vehicle lights;
- There are surface water drainage problems.

There have been 2 letters of support for the scheme, one conditional upon satisfactory road markings being installed to safeguard junctions safety

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

The Environment Agency- Requested an updated Flood Risk Assessment to address some initial concerns. No objections subject to conditions on the update Flood Risk Assessment.

The Coal Authority- Coal mining legacy in the area is a material concern, that can be dealt with via the imposition of a standard condition

KC Highways DM- Sought additional information. This has been received, and no objection is raised in principle, to the scheme subject to the imposition of conditions and sustainable transport contributions to be secured as part of a Section 106 Agreement.

Yorkshire Water Authority- Initially objected, needed the large surface water sewer accurately locating . This has now been done in conjunction with YWA, and no objections are raised subject to conditions

8.2 Non-statutory:

KC Environmental Health. – Sought additional information regarding Noise attenuation. This has been received and no objections are raised subject to conditions covering Noise; Air Quality and Contamination/ remediation.

KC Conservation and Design- were a number of detailed layout issues, including the relationship of dwellings to the open space, and footpath. these comments were considered As part of the amended layout discussions.

KC Strategic Drainage- No objections subject to conditions(recommend continuing dialogue with the applicant)

KC Public Rights of Way- Object to the original scheme on the basis of inaccurately plotting the line of the footpath, as well as the orientation of the dwellings backing onto the path and making it unattractive and less safe to use.

KC Strategic Housing- There is a demonstrable need for affordable housing in this area. THE Councils interim policy is for the provision of 20% of units on site. This scheme offers 30 units ie 20% of units on site, and as such accords with the Interim Policy and is welcomed.

KC Education Services- An Education contribution of £344,655 is required in this instance.

KC Parks and Recreation.- The scheme delivers public open space within the site, which is considered to be acceptable. However there is no play equipment offered or required within the scheme so an off site contribution towards the upgrading of neighbouring facilities is also sought.

Police Architectural Liaison Officer- Strong objection to the original layout, concerns similar to those of the PROW officer regarding the relationship of the dwellings on the eastern edge of the site to the footpath.

9.0 MAIN ISSUES

- Principle of development
- Highways Issues,
- Urban Design/ Layout
- Environmental Issues(Noise; Air Quality; Contamination)
- Bio diversity/ Landscape
- Flood Risk and Drainage
- Crime Prevention.
- Conclusion

10.0 APPRAISAL

Principle of development

10.1 The site is allocated as Urban Greenspace in the UDP, and as such is subject to Policy D3 of the UDP.

Policy D3 states:

On sites designated as Urban Greenspace planning permission will not be granted unless the development proposed:

- i) **is necessary for the continued enhancement of established uses or involves 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 urban greenspace equivalent in both quantity and qualitative terms to that which would be developed and reasonably accessible to existing users.**

- 10.2. This application is for housing ie not an alternative open land use. The site at present is a cultivated field in private use. The public footpath to the north is outside the site. The layout provided does provide 2 substantial areas of public open space which will be accessible to any future residents, and existing residents, unlike the present field. As such there is an improvement in accessibility to open space / recreational land, which complies with part of policy D3 (ii). In addition to the improved access to public open space, for the application to accord with Policy D3 the scheme would need to result in a “specific community benefit”, beyond the delivery of new dwellings and any section 106 contributions.
- 10.3. Whilst Policy D3 is a statutory policy that can be afforded weight in the decision making process, it is regarded as a restrictive housing policy(confirmed in recent appeal decisions), and it has been argued that it is therefore out of date. As such in accordance with Paragraph 49 of the NPPF the Councils lack of a deliverable 5 year housing supply, is relevant, as is the presumption under paragraph 14 of the NPPF in favour of sustainable housing development. It is considered that in terms of its location and access to facilities and transport links this site is within a sustainable location.
- 10.4 Given the size of the site and the numbers proposed, the Councils policies on Affordable Housing, Public Open Space and Education Contributions are relevant, as well as sustainable transport offers(ie travel cards, bus stop improvements.
- 10.5. The applicants have submitted draft heads of terms for these matters, and these are listed below.
- 10.6 Affordable Housing. The Councils interim policy seeks 20% of numbers of units on new development sites (both brown and greenfield). With a 45% to 55% split between social rental, and intermediate housing .The applicants have offered 30 units which is 20%, and as such accords with the Interim Housing policy.
- 10.7 Public Open Space. The proposed layout identifies 2 substantial areas of open space within the development, and in terms of area this satisfies policy H18 of the UDP. However there is no provision of play equipment required on this site, and an off- site payment in lieu to upgrade nearby facilities would be sought.
- 10.8 Education Contribution. Education Services have indicated that a contribution of £344, 655 would be required, the applicants have offers a contribution of £210,000. As such this contribution is below the requirements of the Education Service.
- 10.9. Sustainable Transport. The applicants have agreed to provision of METRO card scheme for the development, and a financial contribution towards Travel Plan monitoring.

- 10.10. As such apart from the anomaly on the education contribution, and some clarification that is required on the POS contributions the Section 106 offer is considered to be a good offer, and largely policy compliant.
- 10.11. In addition to the above the applicant has offered a **Community Benefit Contribution** of £4,000 per dwelling towards the improvement of sports and recreational facilities in the area. This totals £596,000.
- 10.12. This contribution in order to be in accordance with Policy D3 and satisfying the CIL tests needs to be used towards providing a new specific community benefit, linked with sport and recreation in the area. There are a number of potential areas of improvement, projects within the vicinity that would benefit from this contribution, and satisfy the CIL, tests, as well as the guidance contained in part 74 of the NPPF which indicates that open space should not be built on other unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity or quality.
- 10.13. The local options for the use of the Community Benefit Contribution, would be discussed with Ward Members to receive any feedback and local knowledge regarding priorities.

Are there any comments that Members wish to make regarding policy issues, and planning obligations at this stage?

Highways

- 10.14 This proposal consists of a full planning application for the erection of 149 dwellings with 278 associated parking spaces on land off Rumble Road. The application site is to be served by a singular vehicular access taken from an extension of the existing carriageway of Rumble Road. A Transport Assessment has been submitted in support of this application (Optima 2016). The details contained within the Transport Assessment has been utilised in terms of assessing the appropriateness of the development proposals.
- 10.16. Rumble Road forms a residential estate road and junctions with Bywell Road circa 160m from the application site. The highway is of some 7.3 in width with 1.8m footways on both sides. Rumble Road at its junction with Bywell Road forms a 4-arm priority crossroads junction. A school crossing patrol is in attendance at this junction.
- 10.17. In order to determine base traffic flows, full classified turning counts were undertaken in April 2016 for the local highway network of interest between 0700-1000 and 1600-1900 hrs respectively. The survey data has identified AM and PM network peak hours of 0745-0845 and 1700-1800 respectively. The survey data has confirmed traffic flows in the region of what would be expected for the nature and classification of the highway in question. Highways Development Management is satisfied with this approach.

- 10.18. A full Personal Injury Accident Analysis has been undertaken for the most recent 5-year period between January 2011 - January 2016. In that period there have been a total of 13 accidents classified as slight with no serious or fatal classifications. Highways Development Management is satisfied that there are no existing accident trends that this development would likely exacerbate.
- 10.19. The site is considered to be generally well served by existing public transport facilities in line with what would be expected by the nature of the area. Vehicular access serving the site is taken from an extension of Rumble Road into the site. The newly created highway continues the geometric design of the carriageway into the site. Existing footways are continued into the site.
- 10.20. In terms of the geometric characteristics of the proposed access layout, it is considered acceptable and supported in this regard.
- 10.21. The internal estate Road carriageway is 5.5m in width with 2.0m footways on either side throughout the majority of the site. Traffic calming measures in order to achieve low vehicle speeds in the form of raised table tops at junctions are provided which is supported.
The submitted Transport Assessment states that all turning heads have been designed to accommodate an 11.6m long refuse vehicle, however this has not been demonstrated within the assessment. The applicant is expected and should provide detailed swept path analysis vehicle tracking drawings that demonstrate that an 11.6m refuse vehicle can access and egress the site and turn within the site in a safe and efficient manner

With regards to parking provision, the development site is provided with 278 parking spaces. This is in line with the standards as prescribed within the UDP and is supported. Visitor parking is provided in line with the prescribed standards and is provided via a mixture of dedicated and natural spaces. This is again supported.

- 10.22. At pre-application Stage, Highways Development Management requested that the applicant consider the impact of the development upon the potential conflict with school traffic on Rumble Road during pick-up/drop-off times in relation to the proximity of the development with Bywell Junior School and Manor Croft Academy.
- 10.23. An assessment has identified no particular parking issues occurring along Rumble Road during school peak periods, although it has been noted that Rumble Road sees a large amount of pedestrian traffic at these times. Anecdotal evidence by this office does suggest that some additional parking does occur but was limited at the time of my site visit. In line with this, the submitted Transport Assessment confirms that the applicant is willing to provide a financial contribution secured via a S.106 Agreement towards the provision of traffic calming measures along Rumble Road in order to improve safety and to improve the experience for pedestrians. This is welcomed and supported by this office.

Notwithstanding the above, further assessment of the impact upon the safety and efficiency of the existing school crossing patrol is requested from the applicant which has not been covered within the assessment(This additional information has been received and is commented on later in this section).

- 10.24. In order to assess the vehicular impact of the development upon the surrounding highway network, the submitted Transport Assessment has undertaken an exercise to determine the likely trip rates and associated resultant level of traffic generation along with a materiality exercise and operational capacity assessment of the local highway network of interest.
- 10.25. In order to derive trip rates to be applied to the new development, the submitted Transport Assessment contains the results from an interrogation of the TRICS (Trip Rate Information Computer System) database. The residential trip rates provided are considered on the low side. Highways development Management would consider trip rates in the region of 0.7 trips per dwelling to be an appropriate trip rate for a new build residential development, although the submitted TA provides a comparison site, the TRICS data also provides only 6 selection sites. Further discussion and agreement is required between HDM and the applicant in this regard.
- 10.26. Notwithstanding this concern, the resultant operational assessment has been considered as presented within the submitted Transport Assessment. From the above trip rates, the proposed development consisting of 149 residential dwellings would expect to see a 76 vehicular movements during the AM peak hour (55 arrivals and 61 departures) and 70 movements during the PM peak hour (51 arrivals and 19 departures). 2011 Journey to work census data has been extrapolated in order to determine traffic distribution upon the local network. This approach is supported and accepted. With regards to traffic impact upon the network a base year of 2021 has been calculated and traffic growthed using an appropriate TEMPRO growth factor. A materiality exercise has been undertaken which is supported. This has determined that the following junctions should be operationally assessed
- Bywell Road/Rumble Road/Canterbury Road – 4-arm priority crossroads.
 - A653 Leeds Road/Bywell Road – Simple priority junction.
- 10.27. In relation to assessing the capacity of the Bywell Road/Rumble Road/Canterbury Road junction arrangement, the submitted Transport Assessment contains a PICADY (**P**riority **I**ntersection **C**Apacity **A**nd **D**elay) model. With regards to the modelling of this junction, the results of the operational assessment for a 2016 Survey Year see an RFC (Ratio of Flow to Capacity) of 0.15 (15%) with an associated MaxQ (Maximum Queue Length) of 0.0 pcus (passenger car units) occurring on the Canterbury Road arm of the junction during the AM peak hour.
- 10.28. The results demonstrate that the junction currently operates well below its Theoretical capacity limit. The operational assessment for the 2021 Base Year sees an RFC of 0.17 with an associated MaxQ of 0.0 pcus occurring on the

Canterbury Road arm of the junction during the AM peak hour. The results demonstrate that the junction is expected to operate well below its theoretical capacity limit in 2021.

10.29. The operational assessment for the 2021 Design Year sees an RFC of 0.28 with an associated MaxQ of 0.0 pcus occurring on the Rumble Road arm of the junction during the AM peak hour. The results demonstrate that the junction is expected to operate well below its theoretical capacity limit in 2021 with the development in place.

10.30. In relation to assessing the capacity of the A653 Leeds Road/Bywell Road junction arrangement, the submitted Transport Assessment contains a PICADY model. With regards to the modelling of this junction, the results of the operational assessment for a 2016 Survey Year see an RFC of 0.65 with an associated MaxQ of 2 pcus occurring on the Bywell Road (RT) arm of the junction during the AM peak hour. The results demonstrate that the junction currently operates below its theoretical capacity limit. The operational assessment for the 2021 Base Year sees an RFC of 0.74 with an associated MaxQ of 3 pcus occurring on the Bywell Road (RT) arm of the junction during the AM peak hour. The results demonstrate that the junction is expected to operate below its theoretical capacity limit in 2021.

10.31. The operational assessment for the 2021 Design Year sees an RFC of 0.84 with an associated MaxQ of 4 pcus occurring on the Bywell Road (RT) arm of the junction during the AM peak hour. The results demonstrate that the junction is expected to operate within its theoretical capacity limit in 2021 with the development in place. The results do demonstrate that the junction begins to approach a point of 85% ratio of flow to capacity, in the 2021 design year, however, the junction would be predicted to approach this level even without the addition of the proposed development traffic and as such the impact is considered acceptable in this regard given that the traffic generation figures are considered sufficiently robust without taking into account and travel plan measures proposed.

10.32. Following the submission of the above comments discussions have taken place between HDM and the applicant, and the applicant highways consultants have submitted further information in reference to the above concerns.

10.33. Revised swept path analysis vehicle tracking drawings (ART-01 Rev A) have been provided. The correct size and type of vehicle has been utilised for the assessment and the tracking demonstrates that the turning heads provided are fit for purpose and that a large refuse vehicle as utilised by Kirklees Council is able to turn in a safe and efficient manner within the confines of the carriageway.

The proposal is therefore considered acceptable in this regard.

Further detailed assessment of the proposed development's impact upon the school crossing patrol currently in operation on Bywell Road has been undertaken following discussions with this office. The applicant's highways

consultants have now considered safety and efficiency impacts upon the school crossing patrol that was originally absent from the submitted Transport Assessment. Highways Development Management is satisfied that there are no existing safety or efficiency issues in this location that the proposed development would exacerbate

10.34. Highways DM Raises no objections to this application, subject to appropriate conditions.

10.35. PROW has been consulted on this application and they raise the following concerns:

The public footpath Dewsbury 131 is not shown correctly on submissions – this is a fundamental issue which has a knock-on effect for all the following concerns. Footpath 131 runs generally nearer the boundaries of plots 5-48 than indicated. We would encourage and expect good connectivity to PROW network, protection of and improvement to existing public footpath 131 (as off-site highway improvements if land not in control of applicant) – site drainage should be designed to not negatively affect PROW. Improvements and general design considerations may include, appropriate adequate width, surfacing, levels, reconstruction, street lighting, drainage etc. Footpaths should be minimum of 2 metres width and of appropriate hard construction to the satisfaction of LHA.

10.36. A whole length new hard construction of Dews 131 would appear appropriate in connection with this proposed development. Design/layout and boundary treatments along the east of site appears to 'turn its back' to the public footpath (undesirable design with little oversight) and should actually be appropriate for the proximity to the public footpath. It is suggested also to seek and consider PALO view in this regard.

Are there any comments that Members wish to make with regards to Highways issues at this stage?

Urban Design/ Layout

10.37. The application is for 149 dwellings on a 4.9ha site, which delivers a density of just over 30 per ha. This is a comparable density to the surrounding areas, and considered to be appropriate for this area. The scheme is also considered to deliver an efficient use of the site.

10.38. The mix of dwellings propose, mainly detached and semi- detached with a small number of terraced together with the scale of the units ie 2 to 2.5 storeys, are also appropriate for this location and reflective of the surrounding mix. There are no levels issues on this site, that would justify the removal of dwellings for bungalows on any boundary, with existing properties.

10.39 The layout incorporates 2 sizeable areas of open space, one at the north and one at the south, which in turn link into the existing footpath network around the site, and this space would also be accessible and usable by existing users unlike the existing ploughed field. The scheme represents an considerable improvement in pedestrian permeability across the site, and

between the site and neighbouring developments, existing and currently under construction.

- 10.40. The layout satisfies the Council's space about buildings standards, both in terms of the relationships to existing dwellings on the perimeter of the site, and also internally.
- 10.41. An alternative layout has been submitted for consideration, aimed at improving the relationship of the dwellings to the open space and the public footpath that runs for the length of the site to the east. The orientation of dwellings has been altered to create a more open aspect onto the footpath (as opposed to a line of back gardens and fences previously), that is considered to represent an improvement upon the original submission, both in terms of visual amenity and in terms of the safer use of the public footpath.
- 10.42. As such the changes to the layout received are considered to be positive, and satisfactorily address initial concerns.

Are there any comments that Members wish to make regarding the issues of layout and urban design?

Environmental Issues(Noise, Air Quality; Contamination)

- 10.43. Noise-the application was considered by a Noise Attenuation Report, dealing with the principle noise source issue, ie the relationship of the dwellings on the eastern edge of the site to the industrial buildings on the neighbouring Shawcross Industrial Estate. This report was updated and improved at the request of the Environmental Health Service, and the distances were improved. Additionally satisfactory mitigation measures have been demonstrated and Environmental Health are satisfied with the updated scheme.
- 10.44. As such it is considered that the residential development can be provided on this site and deliver an acceptable level of residential amenity for new occupiers, without prejudicing the operational requirements of the neighbouring factory buildings
- 10.45. Air Quality- the site is not within an area identified as having significant Air Quality issues, however as a potential contributor and receiver, this is a material planning consideration. There is not considered to be any decrease in air quality as a result of the new dwellings, and the existing sources are unaltered. As such it is considered that the issue of air quality can be dealt with via the provision of electric charging points throughout the dwelling together with the sustainable transport contributions(METRO cards, Travel Plan monitoring), and improved pedestrian links, that should reduce the numbers of vehicle trips emanating from the new residential site.
- 10.46. Contamination-the site is capable of being satisfactorily remediated, and made fit to receive the new development. This can be satisfactorily achieved by the use of conditions.

Are there any comments Members wish to make on Environmental Issues at this stage?

Bio-Diversity/Landscape

- 10.47 The application has been accompanied by an Ecological Survey of the site. The site was last used as agricultural land to grow crop (it has been ploughed and planted) and previously was grazing. There are a number of mature trees and areas of hedgerow on the perimeter of the site, that are of some merit, and for the most part these have been retained as part of the scheme. The site is at present of little ecological merit. And as such in accordance with the guidance contained in part 11 of the NPPF “Conserving and enhancing the natural environment”, this opportunity should be taken to deliver bio diversity enhancement across this site, linking with neighbouring sites.
- 10.48. The scheme introduces 2 new areas of open space on the site, as well as additional space and planting adjacent the public footpath to the east that links with these to areas of space. These areas will be the subject of an appropriate landscape scheme, and subsequent maintenance. It is considered that the use of appropriate species incorporated within this scheme should deliver enhancement. Also a scheme requiring the delivery of bat and bird roosting opportunities within the development ,would be the subject of a condition.
- 10.49. Of equal, importance to the above is the location of these areas of open space and the linking sections, in relation to the wider green infrastructure network in the area, particularly to the south east at Owl Lane, where new green corridor improvements are to be provided, the area of open space to the south of the development effectively linking up with the Owl Lane green corridor improvements.
- 10.50. As such it is considered that the issue of bio-diversity and landscape enhancement can be satisfactorily dealt with within this amended layout, and subject to conditions.

Are there any comments Members wish to make regarding bio diversity or landscape issues at this stage?

Flood Risk and Drainage

- 10.51. This site is located within Flood Zone 1 (ie an area least likely to flood). However given the size of her site a Flood Risk Assessment was required, regarding the treatment of surface water drainage within the site, and as part of the negotiation process this has been updated, and revised at the request of the Environment Agency, and also a large water main accurately located along

the eastern boundary along roughly the same route at the footpath, as requested by Yorkshire Water Authority.

- 10.52. On the basis of the update Flood Risk information and accurate location of the large surface water sewer, and associated easement the drainage solution on the site is considered to be acceptable in principle, subject to the imposition of conditions.
- 10.53. The Council Drainage Authority (as Lead Authority in this respect) whilst being supportive highlight a series of detailed issues that will need to be discussed and agreed if conditions are to be discharged, including such matters as flood routing, dimensions of the infrastructure, location of storage. Also whilst the principle of SUDS solution is not objected to there are reservations expressed about drainage basins that aren't lined, and a belief that there will be a need for a land drainage solution on the periphery of the site.
- 10.54. A continued engagement between the applicants and the Council on these matters is recommended.

Are there any comments that Members wish to make on drainage/ flooding issues at this stage?

Crime prevention

- 10.55. The initial layout caused some concerns from the crime prevention perspective, principally regarding the relationship of the dwellings on the eastern side of the development to the public footpath, which runs the length of the site. The layout had dwellings all backing onto the footpath, for its entire length, resulting in a poor street scene and a very long stretch of narrow footpath with no natural surveillance, at odds with the guidance regarding Secure by Design and Policy BE23 of the UDP. It will be noted that there was also an objection, on similar grounds from the Public Rights of Way Team.
- 10.56. The amended layout has sought to address this concern, by altering the layout, and introducing additional space next to the footpath, and opening up the footpath links from within the site to the main footpath. This together with the reorientation of residential units to face or be side on to the footpath and the 2 areas of open space is considered to deliver a much improved situation, both in terms of an improved street scene and therefore visual amenity, and a safer more welcoming path for pedestrians to use.
- 10.57. In other respects there are no major concerns regarding secure by design and Crime prevention across the site, that are not capable of being resolved by the imposition of conditions. (ie there are no remote areas of parking, boundary treatments will, be capable of being implemented safely and affording privacy and defensible space, and the POS benefits from natural supervision, from the amended layout.

10.58. It is considered that concerns regarding Crime prevention and secure by design have been satisfactorily addressed by the amended layout plan.

Are there any comments Members wish to make regarding crime prevention issues at this stage?

11.0 CONCLUSION

11.1 Members are asked to consider the questions set out in this report.

Background Papers:

Application and history files.

Website link to be inserted here

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

KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

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

27 APRIL 2017

PLANNING APPLICATION 2017/90155

ITEM 11 – PAGE 15

ERECTION OF SCHOOL, FORMATION OF OUTDOOR PLAY AREAS AND FENCED MUGA AND ALTERATIONS TO EXISTING SITE ACCESS AND PARKING

MOOR END ACADEMY, DRYCLOUGH ROAD, CROSLAND MOOR, HUDDERSFIELD, HD4 5JA

The Police Architectural Liaison Officer (PALO) consultation response in paragraph 9.2 of the committee agenda report advises a condition to ensure that the proposal complies with the requirements of “secured by design”, however the applicants have subsequently provided the following information.

New pedestrian entrance from Woodside Road:

The number of entrances to the school site is the minimum practicable for the number of pupils attending Moorend Academy and Beaumont Primary.

Vehicles and pedestrian access through the main entrance and exit will be monitored during school hours to minimise the opportunities for unauthorised access to the site. All other access points including the New pedestrian entrance from Woodside Road will be locked during school hours to prevent casual intrusion onto the school site by the general public.

The school building entrance is welcoming and secure:

Clear directional signage will be on display for all persons and vehicles entering and moving around the school site to ensure they use specified routes and only access the areas necessary for their specific purposes. There should be clear directional signage at all access points to the site directing visitors to report to the reception area. There will be a clear sign outside the reception area and all visitors will be required to report to the reception staff, identify themselves and the purpose of their visit, sign in and take receipt of and openly display a visitor’s pass whilst on the school site.

Authorised visitors will comply with such signage and direction and this will deter the opportunist intruder as they will feel more vulnerable to being challenged if they were to stray from the specified routes or to be on the school site without a visitor’s pass. The staff at reception will be protected by a secure lobby to determine the legitimacy of a visitor and the doors leading into the school from the reception area will be subject to access control to prevent anyone who does get into the reception area from unauthorised access to the rest of the school.

Consideration shall be provided to accommodate lighting levels for CCTV in hours of darkness:

The CCTV system will provide camera coverage to the site for 'during school hours' and 'out of school ours' security, It will provide recorded images of monitored areas. External building mounted static cameras are proposed to cover main entrance to the primary school, secondary entrance, the kitchen entrance and immediate building perimeter. External pole mounted PTZ cameras are also proposed to cover both car parking areas and school perimeter adjacent to local housing. External CCTV cameras are to have high resolution night vision lenses, the cameras will also have infra-red/LED means of providing adequate lighting to maintain satisfactory use and operation of CCTV cameras during hours of darkness if required – images during hours of darkness are to be an adequate quality/standard both on the monitors and also the recordings. Where external CCTV cameras are column mounted, the columns will be lower than any lighting column to ensure good quality images. A digital video recording system will be provided to manage recording, playback and interrogation.

Attached is the current drawing detailing the external CCTV locations.

Roof top accessibility:

The flat roof area incorporates a 1.1m high parapet which gives an O/A height from external ground level of 6.0m. There will be no loose items that can be moved around the site that intruders could use as climbing aids to gain access. There is a glass canopy adjacent to the lowest flat roofs, however this alone is 3.0m high with an overhang eaves detail.

Consideration has been given to removing the climbing aids wherever possible. The decision to drain the roof by syphonic eliminates the presence of externally mounted rainwater downpipes and their potential use as climbing aids. Should an intruder access the roof there is minimal points of entry as means of gaining access to the school buildings.

The building Shell:

The school building has very good 'natural surveillance' with classroom windows offering passive supervision. The building envelope has no recesses that would encourage hiding / loitering and maintains a clear field of view from all aspects.

Automatically opening windows and vents:

The control system optimises the night cooling of the building and is able to operate with preset limits to window openings if required, for safety and security reasons.

The design allows for the high level windows to open to provide a 300mm clear opening and the low level to provide a 100mm clear opening during normal school operating hours.

For out of hours, the user can define when the windows open and how far they will open from the control system and can therefore limit the high level windows to only open to 100mm which we don't feel would cause a security issue. Alternatively they can control these to not open at all, if desired.

Physical security standards:

Doors and windows have been certified to PAS24 see attached SPW600 Data sheet. Curtaining walling system SAS SF52 has not yet undergone testing.

Officer response

As a result of the applicants submission it is felt that a condition will not be required and an informative is sufficient to deal with these security issues as advisory information to the applicants.

Additional representations

DWARG (Dryclough Woodside Area Residents Group) submitted observations and comments on 17/04/17 on the issues that were raised as grounds for the application to be deferred at Strategic Committee on 30/03/17. These are summarised below:

1. Noise and light pollution

DWARG proposes on behalf of local residents:

- a) Conditions relating to the hours of operation for the all-weather sports pitch: we propose that the recommended hours 8am – 9pm should relate to the opening and closing of activities. This would mean that players and spectators should leave the site by 9pm
- b) Maximum noise levels from any activities on the site should be specified
- c) The planting of mature boundary trees to mitigate noise, in addition to any proposal to install acoustic panels to reduce the impact of noise from the play areas, all-weather sports activities and kitchens.

2. Road safety and parking enforcement

Residents propose the following measures in support of the proposed Travel Plan:

- a) A consultation be held between senior highways and parking officers, local councilors and residents' representatives within six months of the start of work to review measures to promote road safety, restrict parking and tackle peak time congestion.
- b) The consultation should provide an opportunity to review options for traffic calming (not speed bumps but chicanes), speed restrictions, parking restrictions and effective parking enforcement.
- c) Residents wish to see road safety given priority at an early stage by the provision of new pedestrian crossings, especially in Dryclough Road, as part of establishing a walking strategy, and speed restrictions
Submission to Strategic Planning Committee 27 April 2017 on application 2017/90155 from DWARG on behalf of Local Residents (20mph) in the vicinity of the Dryclough Road and Woodside Road entrances.

3. Tackling air pollution from transport

- a) We welcome the proposal from Kirklees Noise & Pollution Officer that a planning condition be imposed that EV charging points are provided for staff and vehicles in line with the council approved West Yorkshire Low Emission Strategy.
- b) However rather than leave the plan to be prepared by the applicant, we propose that the planning committee make explicit the requirement that 5% of all staff and visitor on-site parking should include electric vehicle (EV) charging facilities. Within 5 years of the completion of the

development, this should rise to 10% of staff and visitor parking places equipped with recharging facilities.

c) We further propose adoption of a regulation by the school to prevent vehicles from idling engines in school grounds and its inclusion in the proposed Charter. We also propose that a No Idling ban be established in Dryclough Road, Dryclough Avenue, Foster Avenue, Stainecross Avenue, Woodside Road, Gilbert Grove and Walpole Road (see DWARG submission on revised Travel Plan).

d) Residents support the introduction of air quality monitoring to establish the levels of air pollution from motor vehicles at Dryclough Road junctions with Blackmoorfoot Road and Dryclough Avenue/Walpole Road.

4. Revised Travel Plan published on 11th April 2017.

- Given peak traffic congestion, residents are seeking reassurance that there will be future investment in measures to manage the impact of the projected growth of school related traffic on the area and to improve road safety.
- Traffic calming and parking restrictions are essential for the successful establishment of the Travel Plan that is able to effect modal shift. Success will depend on a walk to school strategy, a cycling strategy and growth in take up of bus services.
- The proposed School Travel Charter is based on assumptions about persuasion which will not work without some restrictions on parking, through traffic calming measures and other improvements to make walking, cycling and bus use attractive, safe and accessible.
- Propose a ban on idling engines of vehicles parked in the drop-off area within the grounds of Moor End Academy to reduce the incidence of damaging air pollution.
- The idling action should be extended to residential roads close to the schools (see <http://idlingaction.london> for example of action supported by London Mayor) and therefore should be added to the charter as an example of “parking considerately”.
- The Charter should also be made available to parents/carers in minority languages (e.g. Urdu).
- We support the proposal to include the Oak Primary Travel Plan Coordinator (4.11) so that its pupils and staff contribute to modal shift and to the publication of targets.
- For the proposals to be effective, it will require the contribution of an independent travel planner (5.2) who has some experience of promoting behavioural change. This position needs to be advertised at an early stage, as Moor End Academy has no travel plan.

- Support the inclusion of local stakeholders in the proposed Liaison Group with representatives of Kirklees Council as well as local Residents' Association(s), we suggest that Friends of Beaumont Park and the Eden Centre are recognised as significant stakeholders as well as local traffic generators. We also expect that the West Yorkshire Combined Authority, with its sub regional role on public transport, will also need to be involved from time to time.
- The Travel Plan suggests that local footways are suitable for walking to school. We do not accept that the existing infrastructure is adequate to achieve modal shift to above 50% walking by secondary students and pupils of both primary schools.
- Examples of footways below the standard 2m found in urban areas include lower Woodside Road and Hanson Lane. In other parts of the area footpaths disappear (Park Road outside David Brown works) in a road that links Yews Hill to Moor End Road. There is no safe crossing point from Yews Hill Road across Park Road to reach Moor End Road.
- No reference is made in the walking section to improving footpaths (particularly within the 800m zone). These are essential to developing an effective walking strategy and should be included as a condition of the application.
- A footpaths survey would show where improvements are required to boost walking to school. For example routes through Beaumont Park to Meltham Road
- There is need for an additional crossing (Dryclough Road) and the re-siting of a crossing (Blackmoorfoot Road), to enhance the walking strategy.
- A more imaginative approach is required to popularise cycling against a background of congested traffic and significant hills which would involve bike loans and use of electric power assisted cycles.
- The revised Travel Plan seeks to increase bus use but appears to assume that better information will help to increase the uptake of bus use rather than timetables that link to school times, greater frequency and reliability.
- With the introduction of staggered school start and finish times, close working with operators and the West Yorkshire Combined Authority will be essential. There is scope to secure additional use of 328, 366, 387, 393 and 389 for travel to and from all three schools by improving frequency and adjusting timing.
- Bus reliability will depend on reducing peak time congestion, by the introduction of parking restrictions in Dryclough Road, Walpole Road and Foster Avenue.
- There is an omission of Lockwood station, which is 800m from the academy site and is less than a 20 minutes walk.

- A baseline survey is required in advance of the completion of the primary academy from Moor End Academy students and staff. This will be needed by 2017/18 to develop an effective travel plan and promote behavioural change.
- We support setting separate targets for primary pupils, secondary students and staff to achieve a year on year improvement in modal split.
- Achieving a reduction of 10% on the projected single occupancy car trips within 5 years of opening would, if successful, remove less than half of the extra car trips generated by Beaumont Primary Academy staff and pupils, taking a conservative estimate of traffic generation. [Our assumption is a reduction of 90 cars out of a minimum traffic flow to three schools of 900.

Officer response

The comments from DWARG regarding the Travel Plan are noted and the Kirklees council Highways DM officers commented as follows:

Kirklees Highways acknowledge receipt of the additional submission from DWARG dated 17th April and welcome their willingness to be included on the suggested Liaison Group. The submission demonstrates a good grasp of the issues and demonstrates that, through their representation on the Liaison Group, they will provide an informed and valuable contribution to the group.

The comments from DWARG regarding residential amenity and noise impacts of the development are noted and the Kirklees council pollution and noise control officers commented as follows:

I feel the recommended hours of use are fair and I don't think we need to any more prescriptive as per the DWARG letter.

The setting of noise levels is unnecessary due to the evidence provided by the applicant and would be extremely difficult to enforce due to the varying nature of the activity on site and the background noise levels of the area. Setting of noise levels is more appropriate for industrial areas where the type of noise (for e.g. fixed plant) is more consistent and even in these situations levels are rarely recommended as over time they become unenforceable due to the potential of background noise levels changing over time.

The use of tree planting as a method of acoustic attenuation is a popular misconception. Trees offer little to no sound reduction and are usually only used for aesthetic screening purposes (out of sight, out of mind).

The comments raised are noted but do not change the weighting given to the issues or the conclusion and recommendation in paragraphs 12.0 to 12.3 of the officers report main committee agenda.

PART DEMOLITION OF EXISTING MILLS AND ERECTION OF 45 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

Additional representations received:

Since the publication of the committee report nine additional representations have been received. Eight of these raise concerns/objections and one is in support. Officers have been advised that one of the representations raising concerns has been circulated to members of the committee – this is from the 'Neighbours of Washpit' group.

The representations are summarised as follows with an officer response provided:

Highway issues:

- The additional highways information submitted after the committee meeting of 2nd March does not address the original concerns with regard to the highways impacts of the development and the information is misleading.
- There have been frequent accidents on the roads surrounding Washpit Mills. Vehicles also cause damage to walls and houses on the approach roads. Additional traffic volumes will increase risk of accidents and damage.
- Level of parking is inadequate. There is little space on surrounding roads to accommodate overspill parking.
- Traffic generated by the previous use (Westwood Yarns) has been overestimated in the transport assessment and latterly traffic was staggered over a 24 hour period because of the shift patterns being operated
- The original mill also generated very little traffic because this was at a time when car ownership was low and many workers either walked or travelled by bus.
- School traffic generates the peak usage of Washpit New Road
- The proposals to enhance pedestrian accessibility to Dunford Road/Holmfirth are unsatisfactory
- Lack of safe provision for pedestrians and cyclists will result in increased vehicle trips
- To address these concerns the scale of development should be reduced
- Developer's fall-back position of a B1/B2 use being revived is improbable
- Local road network unsuitable to cope with level of traffic

Officer response: An assessment of the additional highways information submitted has been provided within the main committee report. The overall highways assessment takes into account accident data, parking provision and layout, traffic generation and accessibility. It is concluded overall that the development would not result in any material detriment to highway safety.

Main town centres uses:

- An impact assessment should be required for the main town centre uses, in accordance with the NPPF.

Officer response: In addition to applying a sequential approach to main town centre uses, the NPPF states that applications for retail, leisure and office development outside of town centres (which are not in accordance with an up-to-date Local Plan) should be subject to an impact assessment if the development is over a floorspace threshold. In this case the threshold would be 2,500 square metres.

The hotel is classified as tourism development and does not therefore fall into the categories requiring an impact assessment. The combined floorspace of the restaurant (leisure) and offices falls below the threshold.

- Impact on the Green Belt
- Visual impact of parking and houses
- Limited landscaping
- No recreation space
- Separation distances between dwellings

Officer response: These issues have been considered within the main report.

- Impact on local highway during construction/renovation works

Officer response: There would inevitably be construction traffic on the local highway network and it is considered that this can be safely routed to and accommodated within the site. This concern is not a reason for refusal.

Relevant planning history:

Linked Listed Building Consent application (2016/93429):

The council has been notified that an appeal against the non-determination of the associated listed building consent application has been submitted to the Planning Inspectorate.

ERECTION OF 95 DWELLINGS WITH ACCESS FROM YEW TREE ROAD AND BURN ROAD

LAND AT AINLEY TOP/YEW TREE ROAD/BURN ROAD, HUDDERSFIELD, HD2 2EQ

Affordable housing:

There have been further negotiations around the viability of the scheme and the level of affordable housing provision.

The council's independent consultant has reappraised the scheme and their assessment is now more in line with the developer's starting position however there remains a difference of opinion on the gross development value of the site.

The council's advisor has indicated that the development would be viable with a policy compliant affordable housing offer of 20% - which equates to 19 units - although this is based on a tenure split of 17 intermediate houses and 2 social rented houses. This tenure split is different from the council's draft Local Plan requirement which is 55% intermediate to 45% social rented. By adopting a tenure mix that is much more heavily weighted in favour of intermediate housing it would nevertheless enable a policy compliant scheme to be brought forward and which remains viable in the independent advisor's opinion. Being flexible with tenure type and mix is supported by the Interim Affordable Housing Policy the Council introduced in 2016 to support housing delivery.

The developer disputes the conclusions of the council's independent consultant in terms of the revenues that this site will generate and thus the level of affordable housing that the development can stand. The developer has also raised concerns with there being such a high proportion of intermediate housing in terms of local need and their ability to sell the houses to registered housing providers, making such a proposal undeliverable.

The applicant maintains that the site is viable with 5% affordable units (5 dwellings) – as set out in their viability appraisal. The applicant's affordable housing offer is 10.5% of the total number of units (10 dwellings on site) and a financial contribution towards off-site affordable housing provision to bring the overall offer equivalent to 11% of the total number of units. The figure required to bring the offer up to 11% would need to be established. The applicant has based their offer on a tenure split of 40% intermediate and 60% social rented but have also suggested that the tenure split could be amended in order to deliver a larger off-site sum.

The applicant has submitted a letter that refers to their track record of developing sites in Kirklees and sets out their development model which is based on the quick delivery of sites once planning permission is secured and does not involve land banking. There are significant pressures on the developer to bring this site forward this summer because of the technical challenges associated with building on this sloping site and the need to

appropriately safeguard and manage drainage systems within the site which would be made much more difficult when the weather is wetter. If the developer is unable to start on site this summer they are concerned that their ability to progress the development will be compromised which may mean they are unable to develop the site at all due to other contractual obligations. The applicant recognises that the landowners would be able to find an alternative purchaser but this would result in a delay to this site being brought forward.

The applicant is seeking a resolution from the committee based upon their affordable housing offer of 11%.

S106 Planning obligations:

The following additions and amendments are recommended for the S106 agreement:

i. Off-site contribution towards the upgrade of the existing play facility at Birchencliffe recreation ground off Halifax Road. This is in lieu of on-site equipped play provision. The normal cost for an equipped play facility and maintenance costs would be approximately £90,000.

ii. Having reconsidered the recommended Metro Card contribution of £46,659 in the context of the Metro Card contribution on the extant outline consent for up to 190 dwellings on the site and taking into account the nature of the development and the likely take-up of Metro Cards, officers are of the opinion that the contribution should be reduced by 50% in this instance. The money saved could be used towards off-site affordable housing provision.

iii. Arrangements for the long term maintenance and management of public open space and areas of incidental open space within the site (including those areas containing the drainage detention basins).

iv. Future maintenance and management responsibilities for the drainage infrastructure

**ERECTION OF 97 DWELLINGS ALONG WITH ASSOCIATED ACCESS,
DRAINAGE WORKS, LANDSCAPING AND PUBLIC OPEN SPACE**

**LAND TO THE SOUTH OF BURTON ACRES LANE, Highburton,
HUDDERSFIELD, HD8**

Additional representation received:

Concerns raised with a third party maintained pumping station. There are power cuts in this area when there are storms; these will affect the pumping station potentially resulting in pump failure and flooding. Guarantees are needed to protect the community including requiring Yorkshire Water to adopt the pump station when development is complete. Who will pay for its maintenance? This could be putting a health hazard into the community that is not already there. Foul and surface water could run down onto North Road.

Officer response:

The developer has committed to the pumping station being maintained by a specialist private maintenance contractor once it becomes operational and the intention is for the pump station to subsequently be adopted by Yorkshire Water under the provisions of the Water Industry Act.

The developer/private maintenance contractor would initially be responsible for the pumping station, including the remote monitoring of data associated with its operation and an alarm system so that if there was a problem with its function then it could be addressed quickly by maintenance engineers. This would be in operation 24 hours a day, 7 days a week. Such a system operates off a mobile network and so it would be unaffected by a potential power cut.

A Yorkshire Water approved pump supplier and installer would be used to facilitate the adoption of the drainage infrastructure by Yorkshire Water at the appropriate stage of the development. Yorkshire Water would then become responsible for its safe operation and maintenance, including a similar monitoring and warning system.

The drainage scheme involves an attenuation tank that stores water on site prior to discharging to the pumping station at a restricted rate. Within the design of the attenuation tank an allowance is made to store foul and surface water discharge in case of failure and thus allow a period of time for the pump station to be made operational again. In extreme cases tankers would be used to manually pump out foul and surface water from the system until problems are resolved.

An indicative flood routing plan has also been provided showing flood routing in the event of a complete failure of the drainage system. This shows that drainage would avoid private property and flow onto North Road where it can enter highway drainage systems.

ERECTION OF 85 BED CARE HOME WITH ASSOCIATED CAR PARKING AND LANDSCAPING

BUSKER LANE, SCISSETT, HUDDERSFIELD, HD8 9JU

Additional representations

Additional comments have been received from an objector. Their initial comments are detailed in the officer report but their additional comments are as follows (with officer comment, where appropriate):

- The CCTV must not impose on the privacy of Lower Busker Farm.
- Lighting which will cover the car park will have a huge impact on Lower Busker Farm.

Officer response – conditions proposed to cover lighting.

- Consideration is required if there are more than one medium sized vehicle trying to enter and exit the site. What about diesel fumes?

Officer response – Given the area of the car park and the scale of the development, it is unlikely that vehicles would queue on Busker Lane.

- The accident level on Busker Lane in the last 5 years and the junction of Busker Lane and Wakefield Road is 5, 2 serious and 3 slight the latest Jan/Feb 2017.

Officer response – Kirklees Highways DC have assessed the proposal in terms of the impact on highway safety taking into account the existing road safety information. The proposed pedestrian crossing is designed to improve safety for pedestrians. Kirklees Highways DC raise no objections.

- Concerns about the vista/views from some of the rooms within the development including the conservatory and north facing rooms which will outlook a 3m high retaining wall.

Officer response – Overall the proposed development is considered to allow for sufficient amenity space and standards for future occupiers.

- Levels in the garden area of the proposed development do not appear suitable for wheelchair users.

Officer response – Resident garden areas would be relatively flat and would include footpaths for wheelchair users. Where there are level differences, there appear to be ramped access points.

- How is drainage run-off from the car park going to be dealt with? Levels reduced significantly and an attenuation tank will impact further.

Officer response – Sufficient detail submitted so that attenuation tank details can be conditioned.

- Light and noise pollution from crossing point especially at night, but also when heavy trucks have to stop and start.

Officer response – The road is already frequented by traffic and the proposed development would not add significantly to the number of vehicles on the network. Light and noise pollution would not be significantly detrimental to residential amenity.

- A number of issues concerning the layout where the levels mean that it is not DDA compliant and conflict with Building Regulations requirements.
- *Officer response – These are largely matters to be assessed as part of Building Regulations and are not planning matters. However, the proposed development is intended to improve the quality of accommodation on offer for disabled persons and this has been incorporated into the building layout. The Council's Commissioning and Health Partnerships Department have assessed the layout and raise no objections. Regard has been had to the Equality Act 2010.*

Ecology

- Additional ecological information has been submitted on the basis that a number of trees along the site frontage would have to be removed to make way for the development, and they could be suitable for bats. The submitted report details that the small number of trees which are to be removed have negligible bat roost potential.
- The Council's ecologist has assessed the additional information and raises no objection, subject to planning conditions requiring the submission of additional ecological mitigation and enhancement. This is reflected in the committee report, recommended condition no6.
- On the basis of the above, the proposed development complies with the requirements set out in paragraph 109 of the NPPF.

Drainage

- The applicant has submitted additional information which reveals that soakaways are not feasible on this site. Therefore, attenuation is proposed.
- The proposed impermeable area covers 1855m² which is less than the previous planning permission of 2174m² (planning reference - 2012/92381). The previous care home on the site had a total impermeable area of 1755m².
- The Council's drainage officer has assessed the proposal and is satisfied that infiltration techniques would prove problematic. Therefore, attenuation is proposed in order to reduce the rate of flow into the sewer which runs underneath Busker Lane. The main issue concerns the size of the

proposed attenuation tank, and whether or not a pump would be required in order discharge water into the sewer. The applicant has submitted information in order to demonstrate that a gravity fed solution would be appropriate (therefore, no external pump would be required) and has indicated a location and very approximate size of the proposed attenuation tank which would likely be positioned under the car park. The drainage officer has assessed the information and is broadly satisfied with the proposed attenuation in that it would satisfactorily reduce discharge rates taking into account climate change, in accordance with National Planning Practice Guidance, subject to further technical detail which could be conditioned.

- The site lies in an area of low flood risk (flood zone 1). It has been demonstrated that, in dealing with surface water discharge, the most preferably drainage option (infiltration) is not feasible. On the basis of the details submitted above, it is considered appropriate to condition full drainage details. The proposal is considered to comply with chapter 10 of the NPPF in terms of addressing flood risk and climate change.

Highways

Following concerns raised by objectors, clarification has been sought from Kirklees Highways DC on the proposed crossing point. They are of the view that full details of the proposed crossing point should be submitted so that the details can be subject to any necessary safety audit. Consequently, an additional planning condition is recommended to ensure full details of the proposed crossing point are submitted to and approved in writing prior to the development being brought into use.

The comments raised are noted but do not change the conclusion and recommendation in paragraphs 10.1 to 10.5 of the officers report main committee agenda.

PLANNING APPLICATION 2016/93514

ITEM 17 – PAGE 139

ERECTION OF 149 DWELLINGS WITH ASSOCIATED CAR PARKING, ACCESS, LANDSCAPING, PUBLIC OPEN SPACE AND DRAINAGE WORKS

LAND OFF, RUMBLE ROAD, DEWSBURY, WF12 7LR

The applicants have lodged an appeal against non-determination of the application, which was lodged last week and is still to be validated by the Planning Inspectorate.

The applicant has submitted an explanatory letter which is detailed below.

“The site is in private ownership of a Trust. Persimmon Homes has an option with the trust to purchase the land subject obtaining planning permission. The option includes a number of key target dates relating to the planning application, which once passed require Persimmons to undertake certain actions. One of these dates was met recently and the obligation related to

submitting a planning appeal against non-determination of the application. Failing to meet this obligation within an allotted period of time would have potentially resulted in our option agreement lapsing.

As a company we are committed to obtaining a planning permission for this scheme through working with officers and elected members, as we have done on other sites in the area. To that end I will be submitting a revised application within the next 24 hours which will follow the exact format of that which you have based the position statement on. This gives officers the opportunity to progress an application which has already been agreed with all other officers through to determination alongside the discussions held on the Section 106 package. Upon resolution to grant permission we would be in a position to withdraw the appeal, which I believe would be well in advance of this being heard by a Planning Inspector”.

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