

Public Document Pack



**Service Director – Legal, Governance and
Commissioning**

Julie Muscroft

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Wednesday 5 July 2017

Notice of Meeting

Dear Member

Strategic Planning Committee

The **Strategic Planning Committee** will meet in the **Council Chamber - Town Hall, Huddersfield** at **1.00 pm** on **Thursday 13 July 2017**.

(A coach will depart the Town Hall, at 11.15am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in the Council Chamber.)

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 – Legal, Governance and Commissioning

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
N Patrick
G Wilson
J Taylor

Green

K Allison
A Cooper

Independent

C Greaves
T Lyons

Labour

E Firth
C Scott
M Sokhal
S Ullah
S Pandor

Liberal Democrat

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 Meetings

1 - 8

To approve the Minutes of the meeting of the Committees held on 24 May 2017 and 15 June 2017.

3: Interests and Lobbying

9 - 10

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

4: Admission of the Public

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

5: Public Question Time

The Committee will hear any questions from the general public.

6: Deputations/Petitions

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

7: Site Visit - Application No: 2016/94285

Outline application for erection of primary school building and reconfiguration of existing playing pitches at playing fields and allotments adjacent to Clare Hill Playing Fields, Clare Hill, Huddersfield.

(Estimated time of arrival at site – 11.25am)

Contact Officer: Farzana Tabasum, Planning Services

Wards

Affected: Greenhead; Newsome

Planning Applications

11 - 14

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 10 July 2017.

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

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

8: Planning Application - Application No: 2016/94285

15 - 38

Outline application for erection of primary school building and reconfiguration of existing playing pitches at playing fields and allotments adjacent to Clare Hill Playing Fields, Clare Hill, Huddersfield.

Contact: Farzana Tabasum, Planning Services

Wards

Affected: Greenhead; Newsome

9: Planning Application - Application No: 2017/91459

39 - 58

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

Contact: Bill Topping, Planning Services

Wards

Affected: Dewsbury East

10: Planning Application - Application No: 2017/90772

59 - 72

Change of use of part of the rail head and depot to enable the importation of construction and demolition materials via the existing site access, recycling using mobile plant and equipment, and storage of processed materials for export off site at Bretton Street Rail Depot, Bretton Street, Saville Town, Dewsbury.

Contact: Glenn Wakefield, Planning Services

Wards

Affected: Dewsbury South

Planning Update

73 - 76

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

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Wednesday 24th May 2017

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

1 Admission of the Public

The Committee determined that the business for the meeting be considered in public.

2 Sub-Committees and Appointment of Chair Thereof

It was moved by Councillor S Hall, seconded by Councillor Pattison and;

RESOLVED -

- 1) That the Planning Sub-Committees Heavy Woollen Area and Huddersfield Area be comprised of the Membership as set out at Agenda Item 17 of the Annual Council Agenda.
- 2) That Councillor Kane be appointed as Chair of Planning Sub Committee (Heavy Woollen Area) and (ii) Councillor Terry Lyons be appointed as Chair of Planning Sub Committee (Huddersfield Area), for the 2017/2018 Municipal Year.

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

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 15th June 2017

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

1 Membership of the Committee

Councillor John Lawson substituted for Councillor Andrew Pinnock.

2 Minutes of the Previous Meeting

Approved as a correct record.

3 Interests and Lobbying

Councillor S Hall declared that he had been lobbied on application 2016/93746.

4 Admission of the Public

All items on the agenda were taken in public session.

5 Public Question Time

The Committee received a question from Peter Schofield on behalf of the Lindley Moor Action Group in regards to the Local Planning Authority's approach to Air Quality Management. The Development Management Group Leader responded to the question.

6 Deputations/Petitions

No deputations or petitions were received.

7 Site Visit - Application No: 2017/90340

Site visit undertaken.

8 Site Visit - Application No: 2016/90261

Site visit undertaken.

9 Site Visit - Application No: 2016/93746

Site visit undertaken.

10 Planning Application - Application No:2016/92055

The Committee gave consideration to Planning Application 2016/92055 Erection of 109 dwellings with associated works Land to the east of Crosland Road, Lindley, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Peter Schofield and Mike Chalker (Objectors) and Chris Darley (Agent).

Under the provisions of Council Procedure Rule 36 (1) the Committee received a representation from Cllr Gemma Wilson (Local Ward Member).

RESOLVED –

1) 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 contained within the considered report including:

1. A 3 year Time limit for commencing the conditions.
2. Highways conditions to include: junction provision; provision of footpath; and internal parking secured.
3. Environmental Health Conditions to include: Noise attenuation (facing onto Crosland Road, and boundary treatments on northern boundary; Remediation; and Air Quality (provision of charging points).
4. Landscape and biodiversity management plan.
5. Samples of materials / boundary treatments.
6. Drainage conditions.
7. Development to be carried out in accordance with the approved plans.

2) That the Head of Development Management be authorised to secure a S106 agreement to cover the following matters as detailed in the considered report and following the expiry of the extended publicity period:

1. Affordable housing (15% of total number of units);
2. Education Contribution (£269,347)
3. Public Open Space contribution (On site POS and contribution of £112,750 for off site equipped play provision)
4. Sustainable Travel Fund £47,826
5. Travel Plan Monitoring £15,000
6. Bus Stop Improvements £10,000

3) That, pursuant to (2) above, 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 and be authorised 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, Kane and Pattison (3 votes)

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

The Chair used his casting vote to support the officer recommendation.

11 **Planning Application - Application No: 2017/90340**

The Committee gave consideration to Planning Application 2017/90340 Erection of builders merchants building, formation of access, car parking and associated external storage Neiley Wastewater Treatment Works, New Mill Road, Brockholes, Holmfirth.

RESOLVED –

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 contained within the considered report including:

1. A 3 Year time limit for commencement.
2. Development to be in accordance with the plans.
3. Surface Water from parking/hardstanding areas.
4. Foul and surface water drainage details.
5. Rate of Surface Water Discharge.
6. Vehicle charging points.
7. Land Contamination Phase 1.
8. Remediation Strategy for contaminated Land.
9. Implementation of remediation strategy.
10. Validation Report.

11. Hours of opening.
12. Delivery hours.
13. Hours of construction.
14. Security Measures.
15. Details of cladding.
16. Landscaping scheme.
17. Highways-visibility Splay.
18. Footway surfacing.
19. Access for construction traffic.
20. Gates set back from highway.
21. A 3 metre height restriction of goods stored within external storage areas.

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

For: Councillors Armer, D Firth, S Hall, Kane, Lawson and Pattison. (6 votes).
Against: (0 votes)

12 Planning Application - Application No: 2016/90261

The Committee gave consideration to Planning Application 2016/90261 Erection of warehousing unit Brookfield Mill, Penistone Road, Kirkburton, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Matthew Robinson (Agent) and Charles Smith (applicant),

RESOLVED –

1) Delegate approval of the application and the issuing of the decision notice to the Head of Development in order to complete the list of conditions contained within the considered report including:

1. Development to be completed in three years.
2. Development to be completed in accordance with approved plans.
3. The approved access and turning facilities shall be provided in accordance with the approved details.
4. The car parking areas shall be laid out surfaced, marked out into bays and drained
5. A Scheme demonstrating an adequately designed soak away or alternative scheme.
6. Development to be carried out in accordance with the approved FRA, with finished floor levels to be set no lower than 98.8m above Ordnance Datum (AOD).
7. Samples of facing materials to be approved.

2) In addition the Committee agreed that there was no requirement to include the additional condition that related to the restriction of vehicle or stock movements as detailed in the update list.

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

For: Councillors Armer, D Firth, S Hall, Kane, Lawson and Pattison (6 votes).
Against: (0 votes)

13 Planning Application - Application No 2016/93746

The Committee gave consideration to Planning Application 2016/93746 Outline application for erection of up to 200 dwellings and formation of public open space (within a Conservation Area) Fieldhead Farm, White Lee Road, White Lee, Batley.

RESOLVED –

To Inform the Planning Inspectorate (appeal APP/Z4718/W/17/3171852) that the Local Planning Authority would have been minded to refuse the application for the following reasons:

1. The application site is allocated as urban greenspace on the Kirklees Unitary Development Plan (UDP) proposals map and the Kirklees Draft Local Plan (KDLP) proposals map. The proposed development is contrary to Policy D3 of the UDP and Policy PLP61 of the KDLP which relates to development on such sites. The site forms part of a larger area of urban greenspace which has been assessed as having high value as open space and as such is not deemed surplus to requirements. The development is therefore contrary to Policy D3 of the UDP, and Policy PLP61 of the KDLP. The loss of the value of the urban greenspace is considered to outweigh all other material considerations, including the delivery of new housing.
2. The proposed development would lead to the loss of a large tract of open land within an otherwise built up area which plays an important strategic role as a green wedge separating the distinctive communities and settlements of Heckmondwike and Healey and provides valuable open land for local amenity and visual relief to the built up area. To develop this area for up to 200 dwellings would be harmful to the character and appearance of the local area, the wider local landscape and would erode the local sense of place by the coalescence of settlements. To permit such a development would be contrary to Policies BE1 and BE2 of the Kirklees Unitary Development Plan, Policies PLP24 (a) and PLP 32 (b) of the Kirklees Draft Local Plan and the Core Planning Principles and Policies in Chapter 7 of the National Planning Policy Framework.

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

For: Councillors Armer, D Firth, S Hall, Kane, Lawson and Pattison (6 votes).
Against: (0 votes)

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<p>KIRKLEES COUNCIL</p> <p>DECLARATION OF INTERESTS AND LOBBYING</p> <p>Strategic Planning Committee</p>			
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 is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined 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: Farzana Tabasum

Tel: 01484 221000

Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 13-Jul-2017

Subject: Planning Application 2016/94285 Outline application for erection of primary school building and reconfiguration of existing playing pitches
Playing fields and allotments adj, Clare Hill Playing Fields, Clare Hill, Huddersfield

APPLICANT

David Martin, Kirklees
Council, Physical
Resources, c/o Agent

DATE VALID

03-Mar-2017

TARGET DATE

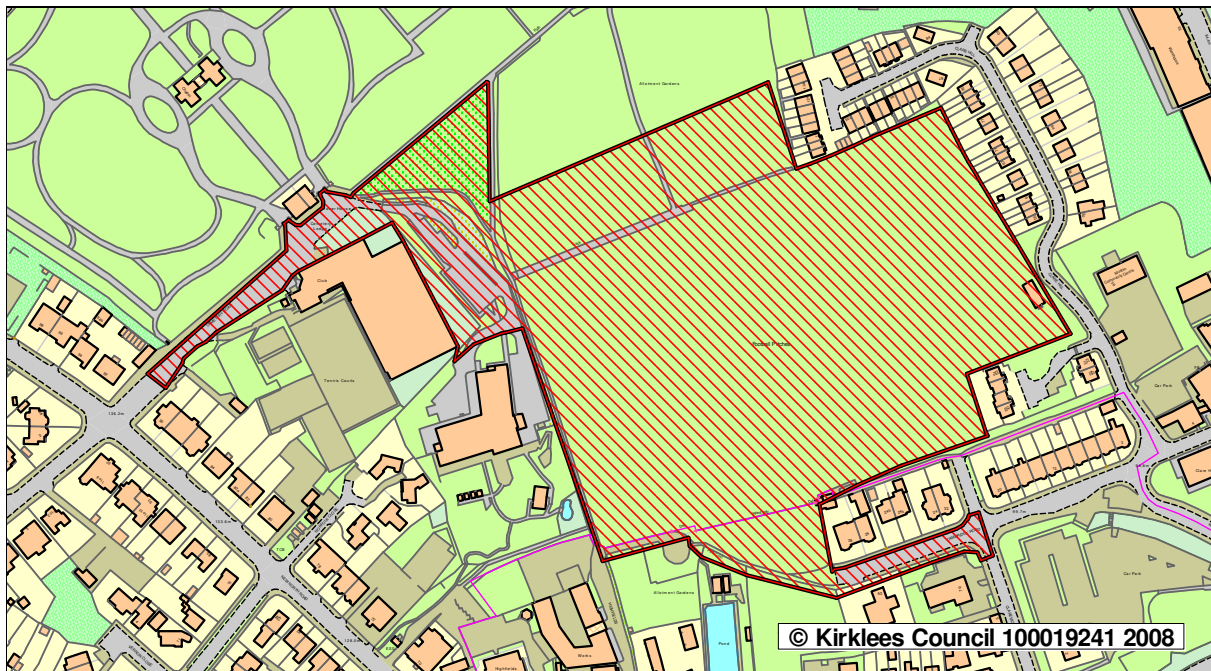
02-Jun-2017

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: Newsome & Greenhead Wards

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION:

Approve the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those referred to within this report.

1.0 INTRODUCTION:

- 1.1 The application is brought to Strategic Planning Committee as the proposal is non-residential and the site area exceeds 0.5 ha in size. Kirklees Council is the applicant.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site lies on the southern edge of the Greenhead ward on the border with Newsome ward. It is bounded to the north by council owned allotments, to the east by residential properties on Clare Hill, to the west by Highfields Adult Day Centre and to the south by both residential properties on Cambridge Road and further council owned allotments. There are public footpaths from the south west corner running north around the edge of the site towards Cemetery Road running through part of the site to the north-west. Access to the site is currently via Clare Hill.
- 2.2 The site is adjacent to three separate conservation areas (Birkby to the north, Greenhead Park/ New North Road to the south west and Huddersfield Town Centre to the south east). A number of grade II listed buildings are located in close proximity to the site. These are concentrated mainly beyond the north-west and south west boundaries of the site.
- 2.3 The application site currently consists of four playing pitches and a number of allotments to the northern part of the site.

3.0 PROPOSAL:

- 3.1 This outline planning application seeks the principle of developing part of the site for a new primary school building with associated highway works and reconfiguration of the existing pitches. The matters for consideration are access and layout with all other matters reserved.
- 3.2 The proposed access arrangements to the site would consist of two new vehicular access points to the site. One from Cambridge Road (south east) with a one way system in and out and associated staff parking and a drop off zone. The other to the north west from Cemetery Road. The proposals would include bringing Cemetery Road up to adoptable standards and the formalisation of the footpath and parking arrangements to both sides of the carriageway.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 None relevant

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 23/07/17- receipt of Phase 2 Ground Investigation report ref no. 3620
- 03/03/17- amended red line and plans & confirmation of notices served on all relevant interested parties
- 26/04/17 – plans demonstrating highway proposals/works
- 05/05/17- agents agreement to condition air quality report and low emissions travel plan

08/05/17 – receipt of map showing alternative allotments sites to be offered to existing plot holders

16/06/17- Applicants confirming Greenhead College not willing to enter into a formal community use agreement for their remaining 3 pitches

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 submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. It is now considered that considerable weight can be afforded to the Publication Draft Local Plan. 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. (Considerable weight now)

6.2 The application site is largely allocated as urban greenspace with the small triangular part to the south for educational facilities on the UDP Proposals Maps.

6.3 Kirklees Publication Draft Local Plan: Submitted for examination April 2017

The site excluding the roads is shown to remain as urban greenspace in the Local Plan

PLP2 Place shaping

PLP21 Highway Safety and access

PLP24 Design

PLP30 Biodiversity and Geodiversity

PLP32 Landscape

PLP35 Historic environment

PLP47 Healthy, active and safe lifestyles

PLP51 Protection and improvement of local air quality

PLP52 Protection and improvement of environmental quality

PLP61 Urban Greenspace

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

D3 – Urban Greenspace
R7A - proposals to develop private playing fields
R9 – proposals involving development on allotments
BE1 – Design principles
BE2 – Quality of design
BE23 – Crime prevention
EP4 – Noise sensitive development
EP6 – Noise generating development
T10 – Highway safety
T19 – parking provision
G6 – Land contamination
EP11 – Ecological landscaping
EP4 – Noise sensitive development

Supplementary Planning Guidance / Documents:

Kirklees Playing Pitch Strategy

National Planning Policy Framework:

Core Planning Principles-12

Part 1 – Building a strong, competitive economy
Part 4 - Promoting sustainable transport
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

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised by site notices, press and neighbouring properties as well as the existing allotment holders were notified by letter. Fourteen representations have been received to date. The concerns of which are summarised below:

- Loss of the landscape and ecological potential of the site
- To ensure the existing public/community use of the site is maintained
- To remove the area of woodland and orchard from the application site
- Request a site visit by Members of the committee along with users of the important and diverse open space requested by Chair of the Claytons Field Action Group
- Proposals to provide access from Cemetery Road is dangerous would cause gridlock for users of school, the cemetery and HLTSC (Huddersfield Lawn Tennis and Squash Club)
- Submitted traffic report does not reflect an accurate representation of the current use of roads or when funerals and specific types of events took place.

- Introduction of traffic regulations on Cemetery Road for 2 hours would not work for HLTSC as tournaments last over two hours.
- Access to HLTSC and Highfields Day Centre must remain open to emergency services
- Loss of existing parking on Cambridge Road to existing neighbouring businesses
- Increase in highway safety concerns on an already very busy road
- No mention of concerns of allotments holders at consultation with local residents prior to application being submitted
- Replacement plots at Cemetery Road need substantial amount of upgrading works to bring them into use
- Remaining plot holders not offered anything
- Cemetery Road Association – objects on loss of allotments and protected species
- Alternatives brownfield site would be more appropriate than application site including allotment land
- Existing allotments could be utilised for outdoor studies/activities in association with the proposed school with existing plot holders. Potential for outdoor ‘classroom’
- No consultation with the any of the envisioned users of the proposed school.
- Surrounding area of open space should be preserved as a community asset
- Consideration should be given to the concept of a footpath to run behind the proposed school for the continuation the “Betjeman Way” as promoted by the Clayton Fields Action Group
- To share therapeutic garden of adjacent Highfields special needs centre
- Proposals would degrade local amenity in view of other local developments such as Clayton Fields

Councillor Julie Stewart –Turner requested a plan showing the location of the replacement allotments and enquired about the condition of these. She also asked whether “the plot holders be compensated for the loss of their crops, and the time, effort and expense that has been put into the existing plots”.

Response: A map showing the location of alternative plots and details of the preliminary package of measures to be carried out to the replacement plots is received. This would be conditioned.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Sport England –“Sport England remain disappointed with how this proposal has worked out. We engaged with the Council at pre-app and accepted a scheme which involved a marginal net loss of playing field which was off-set by both the existing and proposed playing fields being opened up for community use. What Sport England is being asked to accept here does not comply with playing field policy as there is a net loss of playing field, but without the sweetener of the College playing field being opened up for

community use. Whilst the new area of playing field being made available for community use is welcome it is not a deal-maker.

Had this scenario been offered at pre-app, Sport England would have indicated its opposition to the proposal from the outset.

Unfortunately Sport England is left in a position where sustaining an objection (however legitimate) is likely to be of no further benefit, and as such we withdraw our objection – provided our concerns as to how the playing field issue has been handled is reported to planning committee, and subject to the imposition of the conditions “.

KC Highways - The proposals acceptable, subject to suitable conditions

8.2 **Non-statutory:**

K.C. Arboricultural Officer – no objections subject to condition for landscaping to incorporate new tree planting and enhancement of existing tree areas to remain

K.C. Environmental Services – support subject to suitable conditions

K.C. Conservation & Design – no objections

K.C. Ecology & Biodiversity Officer – support subject to conditions

K.C Flood Management and Drainage - support subject to conditions

K.C Allotments manager – support see assessment below

K.C. Landscape – awaiting response

K.C. Public Rights of Way - awaiting response

Environment Agency – none to date

WY Police Architectural Liaison Officer – no objections subject to condition to ensure crime prevention measures are incorporated into the scheme in accordance with the advice dated 24th January 2017

Yorkshire Water – no objections subject to conditions

Coal Authority – no objections subject to the development being carried out in accordance with the recommendations as set out in the Phase 2 Ground investigation – Rotary Drilling Report (Report Number 3620) prepared by Michael D Joyce Associates LLP dated April 2016; (see response dated 3rd Feb 2017

9.0 **MAIN ISSUES**

- Principle of development (playing fields and allotments)
- Visual amenity issues
- Residential amenity issues
- Landscape issues
- Highway issues including PROW
- Drainage issues
- Representations
- Other matters (coal, ecology & crime prevention)

10.0 APPRAISAL

10.1 Principle of development

- 10.2 The site is currently used as playing pitches and allotments. Other than the triangular part of the site to the south, the site is allocated as Urban Green Space (UGS) on the Unitary Development Plan (UDP) Proposals Map. On areas designated as UGS, 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.
- 10.3 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 cases 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.
- 10.4 The proposals to accommodate the provision of a new school building within Greenhead College grounds are 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 at a time where the need for additional primary schools places has clearly been identified. Therefore the principle of erecting the new primary school building is considered to be acceptable and in accordance with policy D3 of the UDP. The principle of a new school and reconfiguration of existing playing fields would also be consistent with Publication Draft Local Plan Policy PLP61 point b, in part & e, in that the proposals would provide a substantial community benefit that clearly outweighs the harm resulting from the loss of a small amount of land from the existing playing field.
- 10.5 It is acknowledged the proposals would result in a small quantitative loss of land allocated as playing fields. However, in terms of quality the proposals would result in the replacement of an existing playing pitch with an improved upgraded (i.e. levels and drainage) pitch which would be subject to a community use agreement. Furthermore and more importantly the factors set below in terms of paragraph 72 of the NPPF, the principle of the proposed development is considered acceptable.

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. Local Planning Authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- Give great weight to the need to create, expand and alter schools; and
- Work with schools promoters to identify and resolve key planning issues before applications are submitted”.

- 10.6 As can be seen from the wording of paragraph 72, the NPPF gives great weight and importance to school based proposals. From a decision making perspective this should weigh considerably in favour of this proposal.
- 10.7 To summarise, as stated above a clear demand and need has been identified for a new school provision in the North Huddersfield Primary sub area by the Council’s School Organisation and Planning team. In light of this, the proposals are given considerable weight and acceptable in principle given that it would provide a sufficient choice of school places to meet the needs of existing and new communities thus according with the 12th core planning principle of the NPPF and paragraph 72 and provisions of Policies D3 and R7A of the UDP.
- 10.8 **Sport England comments on principle of development:**
Turning to the comments from Sport England it is understood that the site forms part of, or constitutes a playing field, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015. The consultation with Sport England is therefore a statutory requirement.
- 10.9 Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 74) and Sport England’s Playing Fields Policy, which is presented within its Planning Policy Statement titled ‘A Sporting Future for the Playing Fields of England’
- 10.10 Sport England’s policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply. Sport England is of the opinion that the proposed development would lead to the loss of playing field resulting from the construction of the new school. The applicant has used allotment land adjacent to the application site to offer as replacement playing field land. Accordingly the application stands to be judged against exception E4. Exception E4 requires that;
- 10.11 *“The playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development”*

- 10.12 Sport England advice is if exception E4 is not properly met and no other exception pertains to the proposed development, then Sport England should object to the application. Sport England has offered not to object to the application on the basis of the site's playing field being made formally available for community sport by way of a community use agreement condition. The reason for seeking this condition as an alternative to objecting is because of the serious shortage of playing pitches that are available for community sport in Kirklees as identified by the Kirklees Playing Pitch Strategy (PPS). The opening up of playing fields for community use is therefore a priority of the Kirklees Draft Local Plan and Policy PLP 50 of the Publication Draft Local Plan reflects this.
- 10.13 The applicant is agreeable for a condition to be imposed requiring a community use agreement (CUA) for the new replacement pitch as they will retain ownership of this area. In terms of quantity, the applicant's state the existing playing pitch area is 4.50ha and the new playing pitch area 4.38ha, resulting in a quantitative loss of 0.12ha of land allocated as playing field. On the basis of the insignificant area of playing field land to be lost, the applicants have requested this minimal loss be mitigated against by the replacement of a significantly upgraded pitch, which would be conditioned to be laid out to Sport England's standards and specifications and subject to a CUA.
- 10.14 With regards to the remaining three pitches the applicant has also approached Greenhead College the owners, seeking their agreement for a formal CUA on their pitches. The college have responded by stating they do not wish for a CUA on their pitches as "the pitches get very churned up with constant use and additional use would be of detriment to the college teams". Written confirmation is being sought from the college to confirm this.
- 10.15 In light of this, Sport England requested details from the applicant on how it is proposed to manage and maintain the community use of the new pitch along with maintaining the flexibility of use of the existing pitches. Officers are of the opinion this is an unreasonable request particularly as the applicants would have no control over the remaining three pitches and moreover maintaining the use of the existing pitches would not be enforceable given these pitches are not in control of the applicants. Furthermore, it is acknowledged that Greenhead College could at any time erect fencing up to a 2m in height on the perimeter of their pitches under permitted development rights, therefore removing any informal use of their three pitches.
- 10.16 Nevertheless the applicant has responded stating:

"The existing pitches will remain under the ownership of Greenhead College. The new pitch, located to the north of the proposed school building, will be owned by Kirklees Council.

In terms of access to the pitches, the existing pitches will be accessed via the existing access point off Clare Hill to the east of the playing fields. There will be no physical barrier erected between the existing pitches and the new proposed pitch and therefore people will be able to walk freely between the

two areas. Whilst the proposed school campus will be fenced for security purposes the proposed school drop off car park accessed from Cemetery Road will not be enclosed within this fenced area and therefore there is potential for this area to be utilised as parking for the new pitch.

In terms of the operation and use of the pitches, Greenhead will continue to operate and utilise the existing pitches. Kirklees Council will operate/manage the new playing pitch in the same manner as they operate all their other pitches within the district. The applicants are also willing to accept a planning condition requiring the provision of a community use agreement for the new playing pitch only. “

- 10.17 In light of this position Sport England have recently responded and withdrawn their objection subject to a condition to cover the design and construction of the new playing pitch and ensuring its use meets the Sport England Community Use Agreement requirements.

Allotments:

- 10.18 Turning to the allotments issue, Policy R9 of the UDP states “proposals involving development on allotments, or land last used as allotments, will not be permitted unless replacement allotments of equivalent community benefit are provided or it can be demonstrated that there is no unsatisfied local demand for allotments”
- 10.19 The proposals would result in the loss of a total of 34 allotments at the Cemetery Road site, 8 of which are already vacant. The submitted information states that there is sufficient capacity within 1km of the Cemetery Road to relocate all the 26 plot holders who would be displaced by the proposed development. The application/details have been considered by the Councils allotment manager, who advises that demand for plots fluctuates over the year and at the time of considering the application the demand was low. Furthermore, the willingness of the applicant to prepare currently unused plots (to be conditioned) adjacent to this site and those vacant with no awaiting list within 1km of the application site, to accommodate all plot holders that would be affected by the proposals is considered of equivalent community benefit. This would satisfy Policy R9 of the UDP and be consistent with the Publication Draft Local Plan Policy PLP47 point d.

Visual amenity issues

- 10.20 The proposed layout plan shows the school campus located within the western portion of the site and adjacent to the existing built forms of Highfields Day Centre and the adjacent Huddersfield Lawn, Tennis and Squash Club as well as a mature tree belt along the site’s western boundary. The proposed layout would also situate the main school building away from existing residential dwellings thus minimising the impact on these dwellings. Furthermore, in the layout shown the proposals would ensure that the proposed built forms have minimal take-up of the existing open space and sport pitch provision on this site. In light of this officers are of the opinion, the proposed site layout demonstrates that a new primary school building of

adequate scale can be situated on the site alongside a reconfigured sports pitch provision and ensure the development will not have a significant impact on the visual amenity of the immediate and wider site area. The proposals are considered to accord with the guidance set out within Policies D3, BE1 and BE2 of the Unitary Development Plan and government guidance contained within Part 7 of the NPPF.

Heritage issues

- 10.21 Turning to the impact on the nearby listed buildings and the character of the adjacent Conservation Areas, Section 66 (1) of the Listed Buildings Act states “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. In terms of conservation areas Section 72 (1) states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Paragraph 132 of the NPPF notes that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 10.22 The applicant has provided a Heritage Impact Assessment as required by paragraph 128 of the NPPF to support the application, which the Conservation Officer is satisfied with and considers the proposals would lead to less than substantial harm to the significance to the nearby heritage assets at this stage. The harm could be from any resultant scale. This is a matter reserved at this stage.
- 10.23 The indicative drawings submitted demonstrate a two storey school building taking the same form and scale as that approved at the Royds Hall Community School. The applicants are anticipating that the same template will be used to inform the design and scale. Therefore, the harm to nearby heritage assets will again need to be evaluated on subsequent applications seeking consent for all matters reserved at this stage.
- 10.24 To summarise the harm caused by the proposals is less than substantial as defined by the NPPF. In such cases, where less than substantial harm occurs, paragraph 134 of the NPPF requires that this harm is weighed against the public benefit accrued by the proposal. In this case the public benefit is the proposals would not only meet all three strands of sustainable development but also provide and ensure that a sufficient choice of school places is available to meet the needs of existing and new communities. This would comply with the duty set out in S66 of the Listed Buildings and Conservation Areas Act and Chapter 12 of the NPPF.

10.25 Residential Amenity issues

10.26 The proposed layout of the school building would be sited an acceptable distance away from existing residential properties of the application site, so as not to adversely affect their residential amenities.

10.27 Environmental Health Officers were consulted on the proposals who have provided comments in relation to noise, odour, lighting amongst air quality issues covered further in the assessment. The application is submitted in outline seeking matters of access and layout, therefore it is considered necessary to condition such details with mitigation measures to ensure the impact on local amenity, especially nearby noise sensitive properties is not unduly compromised in accordance with paragraph 125 of the NPPF and UDP Policy EP4.

Landscape issues

10.28 Indicative landscape proposals are submitted which demonstrate the retention of trees along the boundaries of the site and the potential for further landscaping proposals. The Councils Arboricultural Officers supports the proposals subject to new tree planting and retention of some of the existing trees, which can be incorporated into any subsequent landscape proposals along with the requirement of ecological enhancement measures.

10.29 Highway issues

10.30 UDP Policy T10 states that “New development will not normally be permitted if it will create or materially add to highway safety or environmental problems or, in the case of development which will attract or generate a significant number of journeys, it cannot be served adequately by the existing highway network ...”. Policy T19 addresses car parking in relation to the maximum standards set out in Appendix 2 to the UDP.

10.31 Two vehicular access points and two car park/ drop off areas will be provided on site. The first will be taken off Cemetery Road from the north west which will be improved to adoptable highway standards as part of the proposed development. It is proposed that the existing access to Highfields Day centre be modified to allow use as access to the drop off car park. This car park will provide 30 spaces and be predominantly utilised for pupil pick up and drop off pupils. The second vehicular access point will be taken from Cambridge Road to the south leading to a car park area with 22 drop off spaces and 26 staff, visitor spaces (2 disabled) and 3 coach spaces. The main entrance of the school is anticipated to face the Cambridge Road access and car park. Consultations with DM Highway Services and the applicants have been on going with amended and additional details received during the course of the application.

10.32 The view of the DM Highway Officers is “the outline planning application is for a new two form entry primary school in North Huddersfield to accommodate circa 420 pupils and 40 staff (including support staff) and would have two vehicular/pedestrian accesses from Cambridge Road and Cemetery Road, together with public footpath routes connecting to the site.

10.33 The primary school would open in 2018 with a new intake of 60 pupils starting each year until a maximum capacity of 420 is reached in 2024.

- September 2018 – approximately 60 pupils;
- September 2018 – approximately 120 pupils;
- September 2019 – approximately 180 pupils;
- September 2020 – approximately 240 pupils;
- September 2021 – approximately 300 pupils;
- September 2022 – approximately 360 pupils;
- September 2023 – approximately 420 pupils;

Public Rights of Way:

10.34 Footway widths and street lighting on the surrounding roads within the vicinity of the site are considered to be acceptable.

10.35 There are a number of public footpaths located in the vicinity of the site including PROW HUD/344/40 to the north of the proposed school site linking Cemetery Road with Blacker Road, and PROW HUD/344/60 which links into St Johns Crescent. Both footpaths have a tarmac surface and are of a reasonable width.

10.36 However both footpaths are partly overgrown by vegetation in places reducing the footway width considerably. In addition both footpaths lack street lighting along their length. As such it is considered improvements (to be secured by condition) to these routes are required.

10.36 A third footpath route runs south from Cemetery Road along the boundary between the existing sports pitches and Highfields Day Centre providing a link to Cambridge Road, Highfields Road and New North Road. Again the footpath is overgrown in areas reducing its width and it has limited street lighting. Improvements to be secured by condition would also be required.

Public Transport:

10.37 The nearest bus stops in relation to the proposed school site are located on St John’s Road near to its junction with Clare Hill, approximately 300 metres to the east and New North Road near to its junction with Cemetery Road, approximately 400 metres to the west. In summary New North Road and St. Johns Road bus stops have frequencies of 10 and 30 minutes respectively.

Access Arrangement:

10.38 Vehicular and pedestrian access is proposed both from the west via Cemetery Road and from the east via Clare Hill and Cambridge Road.

Cemetery Road:

- 10.40 The improvement of Cemetery Road is proposed in redefining the road space, improving the current footway provision, and formalising parking arrangements. The access route also utilises the first 100 metres of the existing access road to the Highfields Day Centre before branching left into the newly formed 30 space school drop off / pick up car park.
- 10.39 Relative to the Cemetery Road works a pedestrian crossing facility in the form of a sizable central island will be provided on New Hey Road.
- 10.41 In addition to the new access off Cemetery Road, it is proposed that a change in the parking management along Cemetery Road is undertaken providing on-street parking bays and it is recommended that parking is restricted to no more than 4 hours. This is to be formally agreed.

Cambridge Road:

- 10.40 Cambridge Road would provide access to a 48 space (including 2 disabled spaces) school drop off / pick up space car park, and a combined coach /loading bay.
- 10.41 To accommodate the safe and efficient vehicular site access it proposed to remove the existing on-street parking bays on the south side of Cambridge Road west of its junction with Claremont Street.
- 10.42 Cambridge Road would be extended north eastwards to access the school drop off / pick up car park and would also facilitate coach/bus access and school servicing vehicles. Note: Coach/bus access is required for the occasional school trip and it is not anticipated that pupils will be bused in on a daily basis.

Parking Demand:

- 10.46 Aecom has carried out a forecast two-way pupil vehicle trip analysis. For robustness the analysis has not taken into account car sharing and has assumed that 1 pupil will occupy 1 car (a worst case scenario).
- 10.47 At full occupancy the 252 two-way pupil vehicle trips are forecast at the school start and finish times. As such the demand for parking space year on year until full occupation is forecast to be:
- 2018 - 36 spaces;
 - 2019 - 72 spaces;
 - 2020 - 108 spaces;
 - 2021 - 144 spaces;
 - 2022 - 180 spaces;
 - 2023 - 216 spaces; and
 - 2024 - 252 spaces;

- 10.48 The demand for parking if all parents / guardians actually park up and walk in to the school for the drop-off / pickup is estimated to be 252 spaces when all school years are present. In reality drop-off and, to a lesser extent, pick-up will be spread over a period of time rather than occurring all at the same time so this demand for parking is very much a worst case for assessment purposes only.
- 10.49 In addition to the 78 pick-up and drop off spaces within the site, Aecom have identified in the region of 220 on-street parking spaces within the vicinity of the site (not including Cambridge public car park).
- 10.50 To further manage the peak parking demand the school will consider the implementation of staggered start and finish times, and breakfast / school clubs to spread the arrival and departure pattern.

Junction Assessment:

- 10.51 In order to determine the scale of impacts on each access route, modelling has been undertaken at two key off-site junctions:
- New North Road / Cemetery Road / Ceder Avenue Crossroad Junction; and
 - Clare Hill / St Johns Road / Beck Road Staggered Crossroad Junction.
- 10.52 The modelling assigned year 2024 vehicle flows of:

	0800 – 0900hrs	14:30 – 1530hrs
Cemetery Road Access		
Arrival	115	103
Departure	93	103
Total	208	206
Cambridge Road Access		
Arrival	165	148
Departure	134	148
Total	299	296

- 10.53 Each junction is forecast to operate within or near to its operational capacity. Whilst the Cemetery Road arm exceeds its ultimate capacity for a short time period within the AM and PM Peak hours, maximum vehicle queues of circa 11 and 15 vehicles respectively are considered to be manageable given their short and temporary nature.
- 10.54 This type of vehicle queuing is considered a common issue experienced at most schools and HDM acknowledge that it would be unrealistic to resolve completely.

Travel Plan:

- 10.55 A travel plan has been submitted with the application which provides the necessary commitment to promoting sustainable travel characteristics.

10.56 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 Action Plan:

Action	Timescales
Appoint Travel Plan Coordinator	Prior to School Opening
Produce Travel Information	Prior to School Opening
Set up Liaison Group with	Prior to School Opening
Prepare Travel Information Notice Board	On School Opening
Distribute Travel Information Packs to staff members and pupils	On School Opening
Undertake baseline travel questionnaire surveys (staff / pupils)	Within 3 months of School Opening
Annual pupil / staff questionnaire	Annually
Analyse results of the survey and provide report to LPA and advise local residents through the Liaison Group process	Within 2/4 months of undertaking the hands-up and questionnaire surveys
Review compliance with targets and take appropriate action with respect to Travel Plan measures	Following annual surveys
Take part in walk to school week and run other school walking / cycling events	Annually and events throughout the year
Take part in National Cycle to work week (staff)	Annually
Identify cycle training courses for pupils	Annually
Set up 'Walking Buses' scheme for pupils	On School Opening
Seek information on road safety training for pupils and set up events	Annually
Encourage staff to cycle to school	Throughout year
Encourage car sharing and assist in identifying staff car share partners	Throughout year
Encourage car sharing for pupils and assist in identifying car share opportunities for parents	Throughout year

Conclusion on highway issues:

- 10.57 The likely transport impacts of the proposal to establish Clare Hill Primary School 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 Cemetery Road junction and roads; the establishment / enhancement of pedestrian access points and PROWS; and the provision of a Travel Plan are all considered in the round to contributing to minimising as far as possible the impacts of the development. Highway concerns have been considered in detail by Highway Officers including consideration of longer parking time restrictions on Cemetery Road to ensure the operational requirements of the HLTSC are not unfairly restricted. Time restrictions are suggested to be no more than four hours. On this basis, Highways Development Management considers that the proposals acceptable, subject to suitable conditions

Drainage issues

- 10.58 The NPPF requires Local Planning Authorities to take account of climate change over the longer term, including factors such as flood risk and water supply. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.
- 10.59 The proposals have been considered by the council's Flood Management team who suggest a condition to ensure the provision of adequate and sustainable systems of drainage are employed in the interests of amenity environmental well-being.

Representations

- 10.60 Insofar as representations received that have not been addressed through the officer's assessment, these are responded to as follows:
- Request to remove the area of woodland and orchard from the application site
Response: this is not deemed necessary. Furthermore, the submitted plans do not indicate any development in these areas.
 - Request a site visit by Members of the committee along with users of the important and diverse open space requested by Chair of the Claytons Field Action Group
Response: A visit will be carried out by Members of the Strategic Committee prior to determination of the application. It is not normal practice for a site visit to be arranged for the public.

- Proposals to provide access from Cemetery Road is dangerous would cause gridlock for users of school, the cemetery and HLTSC (Huddersfield Lawn Tennis and Squash Club)
- Submitted traffic report does not reflect an accurate representation of the current use of roads or when funerals and specific types of events took place.
- Introduction of traffic regulations on Cemetery Road for 2 hours would not work for HLTSC as tournaments last over two hours.
- Loss of existing parking on Cambridge Road to existing neighbouring businesses
- Increase in highway safety concerns on an already very busy road

Response: Highway concerns have been considered in detail by Highway Officers including consideration of longer parking time restrictions on Cemetery Road to ensure the operational requirements of the HLTSC are not unfairly restricted.

- Access to HLTSC and Highfields Day Centre must remain open to emergency services

Response: Noted. The proposals would not result in blocking the access points for these neighbouring sites.

- No mention of concerns of allotments holders at consultation with local residents prior to application being submitted

Response: Submitted planning statement makes reference to a statement of community involvement. This is under section 7, page nos. 41 to 45.

- Replacement plots at Cemetery Road need substantial amount of upgrading works to bring them into use.

Response: Noted and addressed in assessment above.

- Remaining plot holders not offered anything

Response: Noted

- Alternatives brownfield site would be more appropriate than application site including allotment land

Response: The submitted documents state the applicants carried out a review of potential sites within the Council's ownership that may have fit the search criteria in terms of size and location that could potentially accommodate a new school building. The conclusion was this was the preferred location.

- Existing allotments could be utilised for outdoor studies/activities in association with the proposed school with existing plot holders. Potential for outdoor 'classroom'
- To share therapeutic garden of adjacent Highfields special needs centre for classes

Response: Noted. However, the operations and running of school activities is not a consideration to be made by through the remits of planning. This is a matter to be considered by relevant authorities of the school.

- No consultation with the any of the envisioned users of the proposed school.

Response: The applicant has submitted a statement of community involvement which states public consultation was carried out prior to the application being submitted. This included distribution of 6000 leaflets to surrounding residents and businesses as well as the local schools in the area. a public exhibition was held on 17th November.

- Consideration should be given to the concept of a footpath to run behind the proposed school for the continuation the “Betjeman Way” as promoted by the Clayton Fields Action Group

Response: This is not a necessary nor related to the proposals

Other Matters (Air Quality, ecology, coal & crime prevention)

Air Quality:

10.61 The application for a primary school at this site has been considered in accordance with West Yorkshire Low Emission Strategy Planning Guidance. This guidance categorises developments according to size and different air quality mitigation measures. An assessment is required when the application meets certain criteria.

10.62 The proposals are adjacent to an area of poor air quality. Based on the indicative floor plans, the development proposes more than 1000m² of floor space and will be between 2 areas of poor air quality. As such Environmental Health Officers have therefore classified this development as a Major Development in accordance with WYLES Planning Guidance. In view of this the applicant is agreeable for the imposition of a condition requiring an air quality assessment with mitigations in accordance with the comments of the Environmental Health Officers comments dated 27th January 2017.

Ecology:

10.63 Paragraph 118 of the NPPF states “when determining applications Local Planning Authorities should aim to conserve and enhance biodiversity by applying a number of principles”. These include the conservation and enhancement of biodiversity in and around developments.

10.64 UDP Policy EP11 requires that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. The ecological report accompanying the application has identified the only habitats on site of ecological importance are the areas of scattered trees and scrub. The Councils Ecology Officer on assessment of the site states “there does not appear to be any protected species issues, other than the potential for foraging bats and breeding birds. These species are most likely to be associated with the scattered trees and scrub. Loss of some of these habitats will occur, however there is sufficient scope in the layout to provide a replacement area of similar habitat of equivalent size”. To conclude the site is of limited value and there are unlikely to be any significant ecological impacts. Furthermore, future landscape proposals can incorporate ecological and enhancement measures to accord with Chapter 11 of the NPPF and policy EP11 of the UDP.

Coal:

- 10.65 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.
- 10.66 Information submitted during the course of the application includes full extent of the site investigations carried out within the application site boundary. The Coal Authority on assessment of this information confirms “whilst coal mine workings were found throughout the site, due to the depth of these workings, Section 6.1 states that these workings *are at a depth and overlain by a considerable thickness of clay and mudstones and will not affect surface stability* and Section 6.4 concludes that there is *adequate rock cover across the whole of the site*”. The report also confirms that following gas monitoring, there is no evidence of mine gas present on site. The Coal Authority has confirmed subject to the development being carried out in accordance with the recommendations in the Phase 2 Ground Investigation – Rotary Drilling Report (Report Number 3620) prepared by Michael D Joyce Associates LLP dated April 2016;no further mitigation measures are required. This can be addressed by condition.
- 10.67 Crime Prevention:
The West Yorkshire Police Architectural Liaison Officer advises “historically, this part of Huddersfield has suffered from high levels of crime and anti-social behaviour, and adequate crime prevention measures should be designed into the development”.
- 10.68 There is no mention within the planning application of intended crime prevention provision. On this basis it is deemed necessary to condition the development to incorporate measures to minimise the risk of crime. These will relate specifically to boundary treatment, number of access points to the site, surveillance of car park areas and for development to be built incorporating as far as possible the guidance of Secure by Design New Schools 2014. This matter can be addressed with the imposition of appropriately worded conditions and footnotes.

11.0 CONCLUSION

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government’s view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development.
- 11.2 The proposals represent a form of development which is afforded great weight and importance within the NPPF. In addition the proposals would continue to serve the needs of Kirklees residents at a time where the need for additional primary school places has clearly been identified. In the layout

shown the proposals are considered acceptable, sustainable and would improve the existing highway infrastructure on Cemetery and Cambridge Roads without resulting in any significant detrimental impact to local amenity, local ecology/biodiversity, and heritage assets in the immediate vicinity of the site.

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

1. Approval of details of the appearance, landscaping, and scale (standard O/L condition)
2. Plans and particulars of the reserved matters (standard O/L condition)
3. Application for approval of the reserved matters (standard O/L condition)
4. The timeframe for implementation of the development (Standard O/L condition)
5. All conditions required in association with highway works /parking areas/ access points
6. Improvement works to existing public rights of way
7. Ecological mitigation and enhancement measures
8. Community Use Agreement on Applicant owned pitch
9. Details of works required to replacement pitch in accordance with *Sport England's Design Guidance 'Natural Turf for Sport'*
10. Air Quality assessment
11. Lighting scheme
12. Details of extract ventilation systems
13. Contaminated land, remediation and validation conditions
14. Scheme for the suppression of dust emissions arising from development
15. Phase 2 Ground Investigation (Coal Authority)
16. Foul and surface water on and off site.
17. Surface water drainage
18. Rate of surface water discharge

19. Details and timescales of upgrading replacing allotments for existing plot holders
20. Secure By Design (crime prevention measures)
21. Travel Plan requirements condition

NOTE:

Food Safety Team of Environmental Services

Background Papers:

Application and history files.

Website link to be inserted here <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f94285>

Certificates - Notice B served on:

Kirklees Highways, Flint Street, Fartown HD1 6LG
Kirklees Highways Department, Civic Centre 3, PO Box B93

28 Cambridge Road, Huddersfield HD1 5BU
Huddersfield Lawn Tennis & Squash Club, Cemetery Road, Edgerton, HD1 5NF
Jonathon Adamson Cemetery Road, Edgerton Huddersfield HD1 5NF
Jonathan Quarmby (Corporate Facilities Manager Kirklees Council), Queensgate
Market Office, Queensgate, Huddersfield HD1 2UJ
Julie Uttley (Service Manager, All Age Disability Services), Civic Centre 1, High
Street, Huddersfield HD1 2NF
John Blake Greenhead College, Greenhead Road Huddersfield
Jonathan Watson (Bereavement Services Kirklees council)Huddersfield
Crematorium, Fixby Road, Fixby HD2 2JF
22 Cambridge Road, Huddersfield HD1 5BU
24 Cambridge Road, Huddersfield HD1 5BU
26 Cambridge Road, Huddersfield HD1 5BU

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Originator: Bill Topping

Tel: 01484 221000

Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 13-Jul-2017

Subject: Planning Application 2017/91459 Erection of 149 dwellings with associated car parking, access, landscaping, public open space and drainage works Land off Rumble Road, Dewsbury, WF12 7LR

APPLICANT

Mr P Thornton,
Persimmon Homes West
Yorkshire

DATE VALID

26-Apr-2017

TARGET DATE

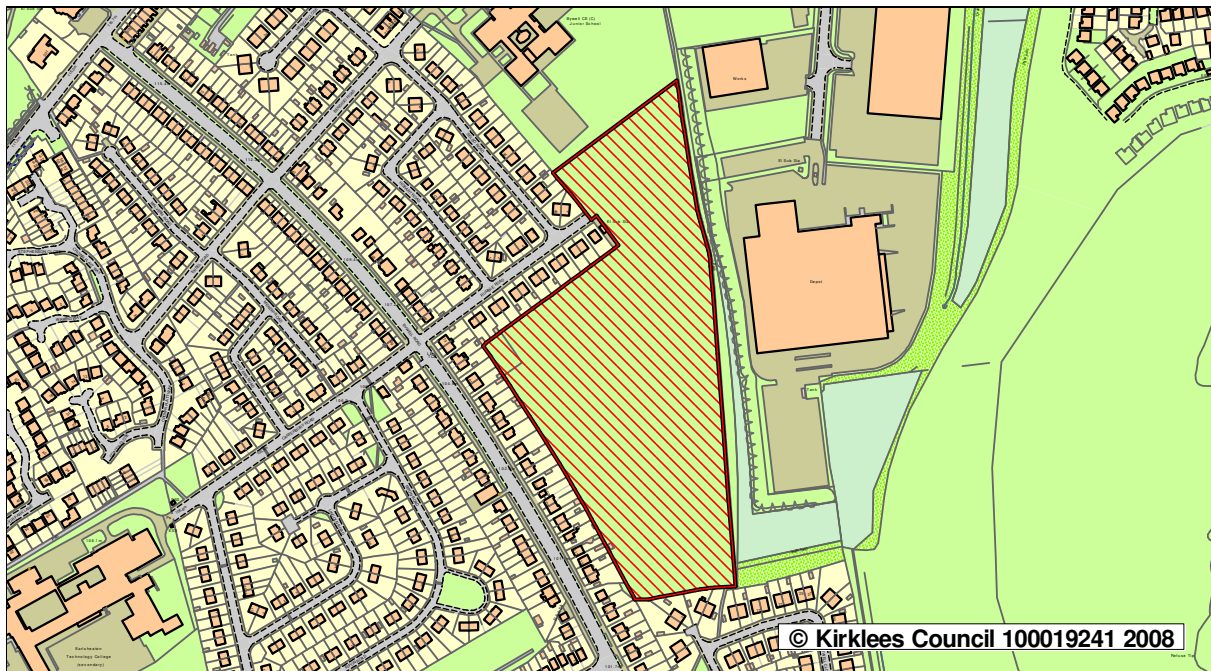
26-Jul-2017

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: Dewsbury East

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 Strategic Investment in order to complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matters:

1. Provision of 20% affordable housing ie 30 dwellings;
2. The provision and subsequent maintenance of public open space within the site; and off-site contribution towards improvement of local facilities of £102,374.07.
3. An Education contribution of £215,218;
4. Footpath improvements of £65,000
5. METRO card contribution of £71,524

6. £ 596,000 (£4,000 per dwelling) to fund specific community benefits and improvements within the Bywell Recreation ground, Wakefield Road recreation ground, and Earlsheaton Park

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 Strategic Investment 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 Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INFORMATION

- 1.1 This application is brought to Strategic Committee given the scale of the development. The site is allocated as Urban Greenspace in the Unitary Development Plan (UDP). This report sets out why the proposal accords with the development plan, but if the Local Planning Authority considers that the proposal does not identify 'specific community benefits' as set out in policy D3 of the UDP, this application would be a departure from the development plan.
- 1.2 An identical application (ref: 2016/93415) for 149 dwellings is the subject of an appeal for non- determination.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site comprises an area of 0.43 ha, and is located approximately 1.km east of Dewsbury town centre. The site is flanked to the west 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 in the Unitary Development Plan.

3.0 PROPOSAL:

- 3.1 Full permission is sought for the erection of 149 dwellings with associated car parking, access, landscaping, public open space and drainage works. A mixture of detached, semi- detached and terraced properties are proposed, 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 provides an important link into the surrounding area footpath network.

4.0 RELEVANT PLANNING 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 2016/93415: Detailed application for the erection of 149 dwellings. Appeal Lodged against Non determination.

4.3 The site has an extensive history in relation to the allocation in the UDP as UGS. UDP Inspector's Recommendation was that the site should be allocated for residential development and that the proposed modification (to designate as urban greenspace) should not be made. Site does not merit UGS designation. The council's Planning & Economic Development Committee (1 April 1998) Rejected the UDP Inquiry Inspector's recommendation on the basis that "The site merits an open land designation given the visual relief, amenity and potential recreational benefits it can provide, located between housing and proposed general industry. Since the UDP Inquiry regeneration initiatives in the Dewsbury area have encouraged developer interest which it is anticipated will release additional land for housing. Consequently the UDP housing provision is expected to be accommodated without the need for the inclusion of the Rumble Road site as a housing allocation".

5.0 HISTORY OF NEGOTIATIONS:

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 (FRA);
- 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 (NPPF).

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007).
- 6.2 The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. Considerable weight should be given to the Local Plan. Planning applications should be determined 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. As such pending the adoption of the Local Plan, the UDP remains the statutory development plan for Kirklees.
- 6.3 The site is allocated as Urban Greenspace in the Unitary Development Plan, and the Local Plan. Also the site has been put forward for a residential use as part of the Local Plan process which was rejected in favour of retaining the Urban Green Space allocation. Any unresolved objections are to be resolved at the Local Plan Examination in Public.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.4
- BE1 – Design principles
 - BE2 – Quality of design
 - BE11 – Materials
 - BE12 – Space about buildings
 - BE23 – Crime prevention
 - EP4 – Noise sensitive development
 - EP11 – Ecological landscaping
 - D3- Urban Green Space
 - 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

Kirklees Publication Draft Local Plan Policies: Submitted for examination April 2017

PLP1 Presumption in favour of sustainable development
PLP7 Efficient and effective use of land and buildings
PLP11 Housing mix and affordable housing
PLP 20 Sustainable travel
PLP21 Highway safety and access
PLP22 Parking
PLP23 Core walking and cycling network
PLP24 Design
PLP27 Flood Risk
PLP28 Drainage
PLP30 Bio diversity and geodiversity
PLP32 Landscape
PLP33 Trees
PLP 48 Community facilities and services
PLP4 Educational and Health facilities
PLP51 Protection and improvement of air quality
PLP52 Protection and improvement of environmental quality
PLP 53 Contaminated and unstable land
PLP61 Urban green space

National Planning Policies:

6.5. 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.

Paragraph 74 indicates that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment demonstrates the land is be surplus to requirements; or
- the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

It should be noted that the Strata Homes appeal (New Lane inquiry) Inspector allowed an appeal on UGS (without a specified community benefit). The Inspector here did not consider paragraph 74 germane to the appeal. This view was also set out in the Council's defence at the White Lee (Jones Homes) Inquiry in June 2017. As such for the typology of UGS in question (semi natural and natural) the use of paragraph 74 is not considered directly relevant to the outcome of the planning application. The position however is the Policy D3 of the UDP is in broad conformity with the NPPF and the UDP policy D3 is not out of date in the context of the Supreme Court Ruling.

Other Policy Considerations.

6.6. Supplementary Planning Document 2 "Affordable Housing".

Interim Affordable Housing Policy.

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

Manual for Streets

Open Space Study 2015

Playing Pitch Strategy

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.

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

7.3 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 specific benefit to the community.

7.4 17 letters of objection were received on the application which are summarised below:

- 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.

Ward Members have been consulted and both Cllr Eric Firth and Cllr Cathy Scott oppose the development as a matter of principle, and the loss of the Urban Greenspace.

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.

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

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 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.

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

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 £215,218 is required in this instance.

KC Landscape - The scheme delivers public open space within the site, which is considered to be acceptable for 149 dwellings. The development also triggers the requirement for a LEAP. This has been calculated at £102,374.07 and is based on 5 pieces of equipment but with no fencing or gates. However due to the close proximity of existing equipped facilities it is proposed that this sum is to be spent on their improvements, which could benefit from either the wholly or shared contribution.

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. Amended plans have addressed this concern improving the relationship with the footpath, and making it a more attractive and safe route to use.

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 the site is also allocated as Urban Greenspace on the Local Plan. Whilst the Local Plan designation now carries considerable weight, the site is the subject of an unresolved objection (in that it has been put forward as a housing site as part of the Local Plan Inquiry). As such pending the adoption of the Local Plan, the UDP remains the statutory development plan for Kirklees, and policy D3 is the relevant policy

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 and is not therefore 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. In addition to the improved access to public open space, for the application to accord with Policy D3 the application would need to result in a “specific community benefit”. As set out in the report below a series of upgrades and improvements to existing local parks is provided for as a result of the developers commitment to provide a specified community benefit. The improvements to the masterplan showing improved landscaping and areas of public open space around the site result in the site maintaining visual amenity. As the site has no significant wildlife value the development of the site will not result in any serious impacts on wildlife. The creation of areas of public open space on the site will result in improved opportunities for sport and recreation. Accordingly the proposal complies with the requirements of Policy D3 of the adopted UDP.
- 10.3 Given the size of the site and the numbers proposed, the council’s policies on affordable housing, public open space and education contributions are applicable, as well as sustainable transport offers (ie travel cards, bus stop improvements). In this respect the policies within both the UDP, and Local Plan correspond, and accord with guidance contained in the NPPF.

- 10.4 The applicants have submitted draft heads of terms for these matters, and these are listed below.
- 10.5 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.
- 10.6 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 is required as set out in the recommendation.
- 10.7 Education Contribution. Education Services have indicated that a contribution of £215,218 is required in this instance..
- 10.8 Sustainable Transport. The applicants have agreed to provision of METRO card scheme for the development, and a financial contribution towards Travel Plan monitoring total £71,524.35
- 10.9 As such apart from the anomaly on the education contribution, the Section 106 offer is considered to be a good offer, and largely policy compliant.
- 10.10 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.
- 10.11 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.
- 10.12 Below is a summary of the potential improvements to neighbouring facilities, that will be secured with this sum:

Wakefield Road recreation ground;

- Develop through age play provision on the site, focussing around the current equipped area and skate park.
- Improve access to the site from the Chickenley estate (south) side
- Provide seating around the site
- Bins at access points
- Plant up areas not used as football pitches with trees
- Land drainage improvements to facilitate all year round use for sports and informal recreation
- Improve planting along the Wakefield Road boundary

Bywell Road recreation ground

- Land drainage improvements to facilitate year round use for sports and informal recreation
- Reconfigure sports pitches and level areas as required
- Increased tree planting around the boundaries and in 'spare' areas
- Provide seating and bins at access points
- Enhance informal play facilities on the site, incorporating elements of natural and imaginative play

Earlsheaton Park

- Level and drain open space to east of the park to allow for greater community sports use
- Access improvements around the site – gates, boulders, etc
- Improvements to planting – scope and diversity – around the park
- Refurbishment of footpaths in high footfall areas
- Enhancements to play provision, including elements of natural play, and also opportunities for adults and older people – trim trail
- Refurbish tennis court to encourage greater participation in tennis
- Enhancements to war memorial and surrounding area
- Increased tree planting in the park

10.13 The Councils Playing Pitch Strategy makes recommendations regarding the improvements of all 3 of the above Recreation Areas to address current shortfalls in the area. As such it is considered that the detailed improvements satisfy the Community Infrastructure Levy Tests as detailed in paragraph 204 of the National Planning Policy Framework, which are 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.

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 have been utilised in terms of assessing the appropriateness of the development proposals.

10.15 Rumble Road forms a residential estate road and junctions with Bywell Road circa 160m from the application site. The highway is of some 7.3m 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.

10.16 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.

- 10.17 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.
- 10.18 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.
- 10.19 In terms of the geometric characteristics of the proposed access layout, it is considered acceptable and supported in this regard.
- 10.20 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.

- 10.21 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.
- 10.22 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).

10.23 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.

10.24 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. Highway 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.

10.25 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 growth 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.

10.26 In relation to assessing the capacity of the Bywell Road/Rumble Road/Canterbury Road junction arrangement, the submitted Transport Assessment contains a PICADY (Priority Intersection CApacity And DelaY) 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.

- 10.27 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.
- 10.28 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.
- 10.29 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.
- 10.30 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.
- 10.31 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.
- 10.32 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

- 10.33 Highways DM Raises no objections to this application, subject to appropriate conditions.
- 10.34 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.
- 10.35 A whole length new hard construction of Dewsbury 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.

Urban Design/ Layout

- 10.36 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.
- 10.37 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.
- 10.38 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 a considerable improvement in pedestrian permeability across the site, and between the site and neighbouring developments, existing and currently under construction.

- 10.39 The layout satisfies the councils space about buildings standards, both in terms of the relationships to existing dwellings on the perimeter of the site, and also internally.
- 10.40 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.
- 10.41 As such the changes to the layout received are considered to be positive, and satisfactorily address initial concerns. The layout is also considered to protect visual amenity, wildlife value and provide opportunities for sport and recreation, as required by policy D3 of the UDP by virtue of including appropriate areas of green space and buffer to the adjacent industrial area whilst providing value for wildlife.

Environmental Issues (Noise, Air Quality; Contamination)

- 10.42 Noise- a Noise Attenuation Report was submitted with the application, 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.
- 10.43 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 development 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.

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 two 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. The applicant will also contribute towards improving play equipment in the locality in lieu of onsite provision. It should be noted this is would be in addition to any improvements provided as part of the specified community benefit scheme detailed above.
- 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. Owl Lane sits to the south east of the site and new green corridor improvements are to be provided effectively linking up with the Owl Lane green corridor improvements.
- 10.50 As such it is consider that the issue of bio-diversity and landscape enhancement can be satisfactorily dealt with within this amended layout, and subject to conditions.

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 the 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. A large water main is located along the eastern boundary along roughly the same route as the footpath but its definitive location is required to be established 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) supports the proposal subject to a series of conditions being attached to any permission, that would include details of surface and foul drainage, temporary storage measures during construction, and overland flow routes being demonstrated on site.

Crime prevention

10.54. 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 is noted that there was also an objection, on similar grounds from the Public Rights of Way Team.

10.55 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 also a safer more welcoming path for pedestrians to use.

10.56 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.

11.0 CONCLUSION

11.1 The proposal accords with the Kirklees development plan by virtue with compliance with policy D3 (Urban Green Space) of the UDP. The development will secure the provision of a full affordable housing interim policy requirement, POS, education and transport contributions within the scheme, as well as the offer of a £4,000 sum per dwelling to be used towards specific community benefits within the area that weighs significantly in favour of the proposal.

11.2 Other key material considerations include the lack of a 5 year supply of deliverable housing sites, and the subsequent presumption in favour of sustainable housing sites as detailed in the National Planning Policy Framework. There are no other material planning considerations that outweigh this finding.

11.3 As such approval subject to a Section 106 Agreement is recommended.

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

1. Standard 3 year implementation;
2. Development to be carried out in accordance with the approved plans.
3. Material schedule to be agreed
4. Boundary Treatments
5. Landscape Plan and maintenance.
6. Environmental Health conditions- Remediation;
 - Noise attenuation;
 - Electric charging points
7. Highways conditions- access visibility, ensuring parking provision, construction management plan
8. Drainage conditions- foul and surface water details in accordance with agreed Flood Risk Strategy and Drainage Strategy.
9. Bio diversity enhancements

Background Papers:

Application and history files.

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



Originator: Glenn Wakefield

Tel: 01484 221000

Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 13-Jul-2017

Subject: Planning Application 2017/90772 Change of use of part of the rail head and depot to enable the importation of construction and demolition materials via the existing site access, recycling using mobile plant and equipment, and storage of processed materials for export off site Bretton Street Rail Depot, Bretton Street, Saville Town, Dewsbury, WF12 9BG

APPLICANT

Nigel Brooke, Tarmac

DATE VALID	TARGET DATE	EXTENSION EXPIRY DATE
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06-Mar-2017

05-Jun-2017

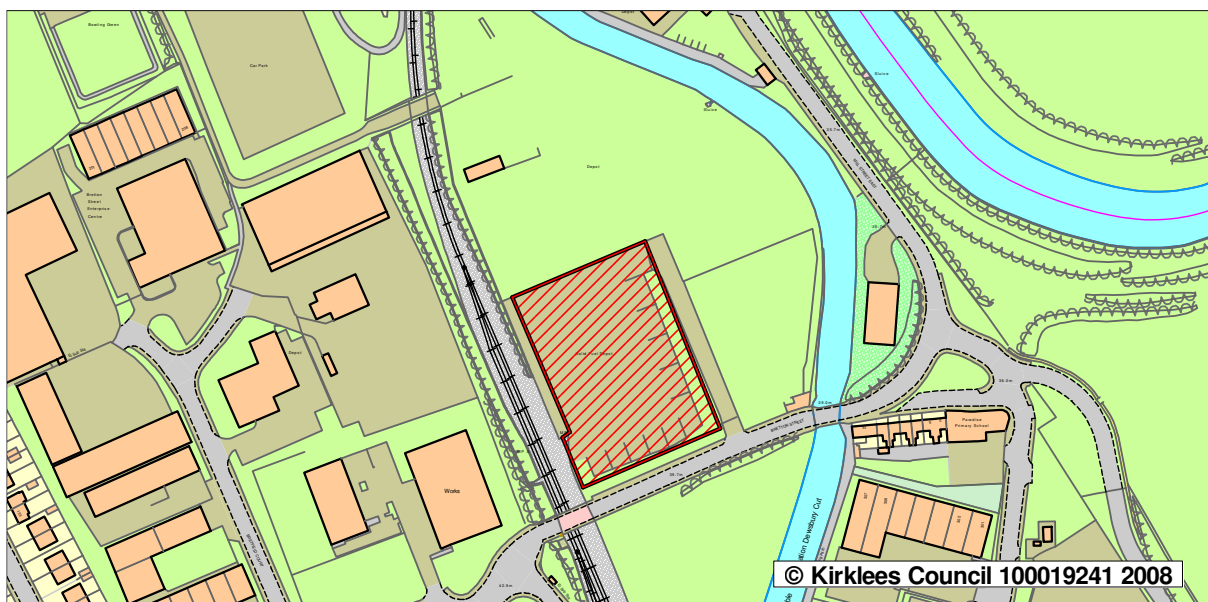
05-Jun-2017

05-Jun-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: Dewsbury South

Yes

Ward members notified

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report and to secure a Section 106 from the applicant confirming a financial contribution of £11,812.63 towards traffic light upgrades at the junction with Savile Road and Mill Street East to improve air quality.

In the circumstances where the Section 106 has not been submitted within 3 months of the date of the Committee's resolution then the Head of Strategic Investment 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 Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION:

This application is brought to the Strategic Planning Committee as the proposal is non-residential and exceeds 0.5ha.

2.0 SITE AND SURROUNDINGS:

2.1 The application site is located approximately 1.5 kilometres south of Dewsbury town centre on the eastern periphery of a complex of industrial and commercial buildings which is located to the south east of Savile Town. The application site occupies an area of approximately 7000m² and comprises a large surfaced yard, a rail offloading area, several open storage bays, site office and vehicle weighbridge. The site is currently used for the storage and distribution of aggregates which have historically been delivered to the site primarily by rail. The immediate wider area surrounding the site has a mixed residential/commercial character with commercial/industrial buildings immediately to the west of the site and the majority of residential properties to the north west and west, although the closest, an isolated group of 7 houses, are approximately 130 metres to the south east. The site is accessed via an existing surfaced roadway which serves the application site, an adjacent haulage depot and steel stocking yard.

3.0 PROPOSAL

- 3.1 The applicant proposes to use part of the site for the processing of demolition materials in order to convert them into recycled aggregate materials. This would involve the use of mobile plant and equipment to crush and screen the materials, the storage of the resultant aggregates and subsequent export from the site.
- 3.2 The applicant proposes that the site would be used for the processing of a maximum of 75,000 tonnes of aggregates per annum. The demolition materials would be imported to the site on a return load basis which would ensure vehicle movements to and from the site would not increase significantly above those already associated with current activities.
- 3.3 The construction and demolition materials would be delivered to the site by HGV. The material would then be loaded into a feed hopper where it would then be fed into the crushing and screening equipment. Once graded the aggregate would be stockpiled on site before being exported by heavy goods vehicle (HGV).
- 3.4 Hours of operation proposed by the applicant would be:
- 08:00 to 18:00 Mon to Fri
- 08:00 to 13:00 Sat
- 3.5 Deliveries of construction and demolition materials and the use of the products will be in accordance with the normal operations at the site. However, it should be noted that the applicant has indicated that crushing/recycling activities will not be undertaken at weekends, bank holidays or during any of the local school holidays in any given calendar year.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 The site has been used for many years in connection with the storage and distribution of various types of mineral and it is considered the following planning applications are relevant to this proposal:
- 90/06170 – Storage and processing of minerals (Approved 28.3.91)
- 94/90422 – Erection of portable unit for office use (Approved 28.4.94)
- 98/90741 – Formation of rail fed aggregate distribution depot and installation of conveyor/hopper and hot asphalt storage box (approved 24.7.98)
- 2009/91117 - Change of use from B8 use to a mixed B2 & B8 use and erection of concrete batching plant (Approved 12.11.17)

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 As this proposal would have a detrimental impact on air quality in the vicinity of the site, negotiations were initiated with the applicant to secure financial contribution towards a relevant air quality improvement scheme to offset the damage caused.

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 submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined 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. Officers consider considerable weight can be afforded to the Publication Draft Local Plan. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

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

D2 – Development of land without notation on the proposals map

EP4 – Noise generating development

EP6 – Existing and projected noise levels

WD7 – Proposals for the use of sites for the management of waste

B1 – Employment needs of the district

6.3 Kirklees Publication Draft Local Plan (KPDLP): Submitted for examination April 2017

PLP 21 – Highway safety and access

PLP 39 - Protecting existing and planned minerals infrastructure

PLP 44 – New waste management facilities

PLP51 – Protection and improvement of air quality

PLP52 – Protection and improvement of environmental quality

6.4 National Planning Policies:

Section 1 – Building a strong, competitive economy

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

Section 11 – Conserving and enhancing the historic environment

Section 13 – Facilitating the sustainable use of minerals

National Planning Policy for waste

6.5 Other Guidance

West Yorkshire Air Quality Emissions Strategy and associated technical planning guidance

7.0 PUBLIC/LOCAL RESPONSE:

7.1 This application was publicised by the erection of 4 site notices in the vicinity of the site and the mailing of 9 neighbourhood notification letters. 2 representations have been received with regard to this proposal and the issues raised can be summarised as follows:

- This proposal would further add to the problem of dust which is generated by existing commercial activity in this area.
- This proposal would be detrimental to highway safety due to an increase in vehicle movements
- This development would lead to disturbance during unsocial hours

7.2 Ward members have been consulted on the proposal but no comments have been received.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K C Highways DM – No objections in principle subject to existing planning conditions being retained.

8.2 **Non-statutory:**

K C Environmental Health – No objections subject to mitigation measures being implemented to offset the damage to air quality resulting from this proposal and a planning condition restricting hours of operation to:

08:00 to 18:00 Mon to Fri

08:00 to 13:00 Sat

No activities to take place on Sundays or Bank Holidays

Environment Agency – No objections

Railway Infrastructure Manager – No objections

9.0 **MAIN ISSUES**

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

10.0 **APPRAISAL**

10.1 Principle of development

10.2 The site is unallocated on the UDP proposals map and Policy D2 is therefore relevant to this proposal. However, as the development would involve the management of waste it is considered that UDP policy WD7 is the principal policy consideration.

10.3 Appendix A the National Planning Policy for Waste contains a waste hierarchy which Waste Planning Authorities are expected to consider when dealing with planning applications for waste related development. The aim being to, where possible, move the management of waste up the waste hierarchy. The hierarchy is outlined below:

The most effective environmental solution is often to reduce the generation of waste, including the re-use of products – prevention
Products that have become waste can be checked cleaned or repaired so that they can be re-used – preparing for re-use
Waste materials can be reprocessed into products, materials or substances – recycling
Waste can serve a useful purpose by replacing other materials that would otherwise have been used – other recovery
The least desirable solution where none of the above options are appropriate- Disposal

Although this indicates that the most effective environmental solution to the generation of waste is waste prevention, it also indicates that the re-use and recycling of materials are the next best options. Consequently Planning Authorities are encouraged to take a positive approach when considering applications to use appropriate sites for the re-use/recycling of waste.

- 10.4 In this instance the imported waste would be processed to form recycled aggregates. It is therefore considered that as this proposal would see the re-use of a significant proportion of inert waste material, which would otherwise be sent to landfill, it is consistent with national planning guidance relating to waste.
- 10.5 Para 142 of the NPPF indicates that since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation. The use of recycled aggregates helps to conserve primary aggregate resources and Mineral Planning Authorities are expected, through the panning process, to encourage the production and use of such materials to reduce the need to extract primary resources. This development would therefore accord with Section 13 of the NPPF.
- 10.6 In addition to the above, this proposal represents the expansion of existing business premises thus Policy B1 of the UDP applies. UDP policy B1 (ii) indicates that the employment needs of the district will be met by maintaining the stock of established business and industrial premises.

Subject to the matters outlined under Policy B1 not being prejudiced, the principle of this proposal would be acceptable.

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

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

- 10.7 Consequently the principle of this development is therefore acceptable providing it does not conflict with the criteria stipulated in Unitary Development Plan Policy WD7.

UDP policy WD7 states:

“ proposals for the use of land for the receipt, storage, treatment including incineration and recovery of useful materials and transfer of waste including the use of land as a scrapyards will normally be permitted where:

- i the visual impact of the proposals does not cause detriment to residential properties and the quality of the landscape or townscape setting;
- ii provision can be made for the suppression of noise, dust, odour, smoke and flue gas emissions from the site so that the amenity of occupiers of adjacent properties, in particular residential properties, is protected;
- iii contamination of land and pollution of groundwater and surface water, on and off the site, can be prevented;
- iv access, vehicle manoeuvring and customer and employee car parking arrangements can be accommodated without prejudice to highway safety and maintenance; and
- v sites do not adjoin land permitted or allocated for any use which would be adversely affected by the proposed use.”

- 10.8 Due to the stage the emerging Local Plan has reached with regard to the examination process, it must now be given considerable weight in the consideration of planning applications. The implications of this proposal on the emerging plan must therefore be considered. Emerging Local Plan policy PLP 39 specifically identifies this site as a protected minerals infrastructure site due to its railhead and historic use as an aggregates stocking yard. It is considered that this proposal would not conflict with this allocation as the activities on site would produce recycled aggregates and the proposed use would be easily reversible as plant and equipment used would be mobile and not fixed. It is therefore considered that this proposal would not preclude the continued use of the site for the import, storage and distribution of minerals via rail or road.

10.9 Residential Amenity

- 10.10 The site is located within an area that is predominantly commercial in character. However there is a small group of residential properties to the south east approximately 130 m from the site with further concentrations of dwellings approx. 200m north west at Hebble View and 250m to the west off Headfield Road. Current permitted activities on site involve the unloading and loading of aggregates using a mechanical excavator and associated heavy vehicle movements to and from the site. This proposal would introduce an industrial process to the site and as a consequence additional noise sources which could potentially cause nuisance to residents or other businesses nearby.
- 10.11 The applicant has produced a noise assessment report in support of this application which concludes that the additional noise associated with the proposed development is unlikely to adversely impact on the existing noise climate at the residential dwellings nearest the site. Furthermore the applicant has indicated that crushing and screening operations would not be carried out at weekends or during holiday periods. It is therefore considered that this proposal would be acceptable in terms of UDP policy EP4 and EP6, KPDL policy PLP52 and guidance contained in Section 11 of the NPPF with regard to potential noise nuisance.
- 10.12 The character of the area in the vicinity of the site is predominantly commercial in character and includes manufacturing activities, haulage activities, steel stocking and cement manufacture. Consequently the visual amenity of the area has already been significantly influenced by these uses.
- 10.13 The site is surrounded by mature trees and vegetation which offers an effective screen and direct views of the site from the nearest residential properties cannot be gained when this vegetation is in full leaf. Whilst the effectiveness of this screen would reduce during the autumn and winter the vegetation would still filter views of the site.
- 10.14 Consequently, whilst this proposal would introduce industrial plant and machinery to the site, based on the current commercial character of the area and the screening provided by existing buildings and vegetation, it is unlikely that this proposal would have a significant detrimental impact on the visual amenity of the nearest residents. The proposal would therefore accord with UDP policies WD7, D2 and KPDL policy PLP 44 with regard to the development's potential impact on visual amenity.
- 10.15 This proposal would generate dust which could have a detrimental impact on the amenity of the area. The principal potential sources of airborne dust associated with the proposed operations, in the absence of mitigation, include:
- material delivery, handling and transfer;
 - crushing;
 - screening;

- site plant and haulage movements;
- road transport; and
- wind blow across stockpiles and bare ground.

Additional vehicle movements to and from the site would also have a detrimental impact on air quality in the vicinity of the site.

- 10.16 The applicant has acknowledged that as a result of increased vehicle movements to and from the site, this proposal would result in a negative effect on local air quality. The applicant has produced a monetised estimate of the damage to air quality in the vicinity of the site as being £11,812.63. Officers consider that this figure represents an accurate estimate and, in accordance with the West Yorkshire Air Quality Emissions Strategy, mitigation to offset this level of damages should be provided in association with this proposal. Officers have therefore requested that the applicant make a financial contribution via a Section 106 of the Town and Country Planning Act 1990 equal to these damages towards an air quality initiative in the vicinity of the site.
- 10.17 The Council's Environment Service has indicated a suitable scheme likely to benefit from this scale of contribution would be traffic light upgrades at the junction with Savile Road and Mill Street East. The proposed upgraded system would automatically vary the light sequence dependant on traffic flow levels. This means that during low peak periods the lights would allow traffic through without the usual stop start at red signals. This reduces emissions from vehicles so improving air quality.
- 10.18 Officers consider that requesting a financial contribution to use in connection with the above scheme would meet the tests set out in the Community Infrastructure Levi Regulations 2010 (CIL) for the following reasons:
- Improvements to offset the adverse impact to air quality are necessary to make this proposal acceptable in planning terms
 - The traffic lights are located on the route of HGVs visiting the site and there is therefore a direct relationship to the development
 - The financial contribution has been assessed in accordance with the West Yorkshire Air Quality Emissions Strategy and associated technical planning guidance and therefore related in scale and kind to the development

The applicant has committed to provide the above described financial contribution should planning permission be granted and it is expected that the Unilateral Undertaking would be submitted within 3 months of the committee's resolution.

10.19 Whilst it is acknowledged that this proposal will have a negative impact on air quality in the vicinity of the site, the generation of dust could be adequately controlled via the methods indicated in the supporting Air Quality Assessment and the impact associated with vehicle emissions would be adequately offset via a contribution towards an air quality initiative in the vicinity of the site. It is therefore considered that this proposal would accord with KPDLP policy PLP 51 and Section 11 of the NPPF.

10.20 Highway issues

10.21 The site currently operates as an aggregates storage and distribution depot and this use will continue in conjunction with the proposed production of recycled aggregates.

10.22 The existing operation is served by a shared surfaced access road which runs for approximately 80 metres from its junction with Bretton Street allowing access to the application site, a transport/haulage depot to the north east and a steel stocking yard to the east. At the junction with Bretton Street, the access provides adequate visibility in both directions and allows two heavy vehicles moving in opposite directions to pass.

10.23 The site already includes a purpose built wheel bath to help prevent debris from the yard being tracked onto the highway and already contains adequate parking facilities. The yard area is hard surfaced and well drained.

10.24 The applicant has indicated that the current operations at the site involve a maximum of 60 heavy goods vehicle (HGV) movements per day (30 in 30 out). It is estimated that, at maximum capacity, this proposal would increase these to a maximum of 180 vehicle movements (90 in 90 out) per day. However, the applicant considers that, based on current operations, typical daily HGV activity would be in the region of 80 movements per day (40 in 40 out). The applicant has confirmed that HGV traffic entering and leaving the site would do so via Mill Street East.

10.25 It is considered that, bearing in mind this proposal would use the existing site access, existing on site facilities and that all HGV movements would be via Mill Street East, this proposal would not have a significant detrimental impact on highway safety in the area and would therefore accord with UDP policy T10 and KPDLP policy PLP21.

10.26 Drainage issues and flood risk

10.27 The application site is located in Flood Zone 1 and is therefore at low risk of a flooding event. The site is currently operational and therefore benefits from being hard surfaced and from existing drainage facilities which include interception arrangements. It is therefore considered that this proposal would accord with UDP policy WD7 , KPDLP policy PLP 27 and Section 10 of the NPPF with regard to the provision of adequate drainage for the proposal.

10.28 Representations

Two representations have been received with regard to this proposal, the issues raised and associated responses are summarised as follows:

This proposal would further add to the problem of dust which is generated by existing commercial activity in this area.

Response: This issue has been addressed in the body of the committee report in the section 'Residential amenity'

This proposal would be detrimental to highway safety due to an increase in vehicle movements.

Response: This issue has been addressed in the body of the committee report in the section 'Highways issues'

This development would lead to disturbance during unsocial hours.

Response: The applicant has indicated that the site would continue to work within the existing hours of operation which are currently:

08:00 to 18:00 Mon to Fri

08:00 to 13:00 Sat

It is proposed to repeat this requirement should planning permission be granted.

10.29 Other Matters

- 10.30 Members should note that this proposal will require the issue of an Environmental permit from the Environment Agency (EA) and the EA has confirmed that it is considered that any risks to people and the environment are capable of being reduced to a satisfactory level using measures to prevent, minimise and/or control pollution and that such measures would be conditioned on any associated permit.

11.0 CONCLUSION

- 11.1 The application site is located within a predominantly commercial area which would be an appropriate location for this type of development. The proposal would create an additional noise generating source but officers consider that, following a review of the supporting noise assessment, residents and businesses will not experience additional significant impacts. In addition, whilst this proposal would lead to the generation of dust, it is considered that the dust suppression methods outlined in the submission documents would provide satisfactory mitigation. Officers also consider that the proposal would not have significant adverse effects of the local highway network subject to the route of vehicles to and from the site being restricted via Mill Street East.

- 11.2 Due to the increase in heavy vehicle movements associated with this proposal, it is considered that air quality in the vicinity of the site would be detrimentally affected. However, in accordance with the West Yorkshire Air Quality Low Emissions Strategy. The applicant has confirmed a willingness to provide a financial contribution of £11,812.63 via a Section 106 Agreement towards the provision of mitigation measures which would offset the damage caused.
- 11.2 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.3 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 Strategic Investment)

1. Standard 3 years for implementation
2. Development to be carried out in accordance with approved plans
3. HGV routeing to be limited to via Bretton Street only in accordance with submission details.
4. All areas used by vehicles shall be retained in good condition and kept free of obstruction.
5. Existing Wheel washing facilities to be retained and used by all HGV vehicles
6. The development to be carried out in accordance with a dust suppression scheme to be approved in writing by the LPA
7. No activities to take place at the site outside the following hours:
08:00 to 18:00 Mon to Fri
08:00 to 13:00 Sat
8. No crushing or screening operations to take place on Sat, Sun, Bank Hols or during school holidays as per application submission
9. All aggregates produced shall be stored within the existing storage bays

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f90772>

Certificate of Ownership –Certificate A signed 27/02/17

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KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY

STRATEGIC PLANNING COMMITTEE

13 JULY 2017

Planning Application 2016/94285

Item 8 – Page 15

Outline application for erection of primary school building and reconfiguration of existing playing pitches

Playing fields and allotments adj, Clare Hill Playing Fields, Clare Hill, Huddersfield

As requested by DM Highway Officers, a Road Safety Audit has been received in relation to the highway aspects of the proposals.

Written confirmation is now also received from Greenhead College which confirms the college is not willing to enter into a community use agreement on their remaining three pitches as stated in paragraph no. 10.14

Typing corrections and amendments to paragraph nos. 3.2, 10.19, 10.31 & 10.33

3.2 last sentence amended to read:

The proposals will redefine the road space, improve the current footway provision, and formalise parking arrangements.

10.19:

“awaiting” replaced by “waiting”

10.31 should read:

Two vehicular access points and two car park/ drop off areas will be provided on site. The first will be taken off Cemetery Road, where the existing access to Highfields Day centre is proposed to be modified to allow access to the drop off car park. This car park area with 30 spaces is proposed to be utilised for pupil pick up and drop off. The second vehicular access point will be taken from Cambridge Road to the south leading to a car park area with 22 drop off spaces and 26 staff, visitor spaces (2 disabled) and a combined coach/loading bay. The main entrance of the school is anticipated to face the Cambridge Road access and car park. Consultations with DM Highway Services and the applicants have been on going with amended and additional details received during the course of the application.

Paragraph 10.33 should read:

- September 2018 – approximately 60 pupils;
- September 2019 – approximately 120 pupils;
- September 2020 – approximately 180 pupils;
- September 2021 – approximately 240 pupils;
- September 2022 – approximately 300 pupils;
- September 2023 – approximately 360 pupils;
- September 2024 – approximately 420 pupils

Planning Application 2017/91459

Item 9 – Page 39

Erection of 149 dwellings with associated car parking, access, landscaping, public open space and drainage works

Land off Rumble Road, Dewsbury, WF12 7L

Corrections

Paragraph 2.1 Site area is 4.9ha.

Delete paragraph 10.9. The education contribution offered in the heads of terms matches that requested by Education Services, and is policy compliant.

KC Highways- update

Paragraph 10.24 of the committee report refers to further discussion and agreement required between the applicant and Highways Development Management with regards to the validity of the trip rates utilised within the assessment.

Further discussions and sensitivity tests of the TRICS database have been undertaken by Highways Development Management and following discussions with the applicant's highways consultants, Highways Development Management is satisfied that the trip rates as utilised within the Transport Assessment are sufficiently robust and representative when taking into account measures as proposed within the Travel Plan and the Transport Assessment is considered acceptable in this regard.

Travel Plan

A Framework Travel Plan has been submitted in support of the application. The Travel Plan is a working document and as such, the full Travel Plan should be secured by condition:

In terms of monitoring the full Travel Plan, Kirklees Council requires developers to contribute to the cost of monitoring the Travel Plan. Cost: £2,000 per annum for the first 5 years to be paid before first occupation of the first dwelling. This monitoring fee would need to be secured via the Section 106 Agreement.

(NB The applicant has confirmed they are willing to provide the Monitoring fee).

Traffic Calming Scheme

The submitted Transport Assessment in support of the application (Optima April 2017) includes for the offer of providing a financial contribution towards the provision of traffic calming measures along Rumble Road in order to reduce vehicle speeds and to provide an improved walking environment for pedestrians.

The submitted Transport Assessment however provides no details regarding such a scheme. This should be secured via the following condition:

“No development shall take place until a scheme detailing traffic calming measures and improvements to pedestrian routes on Rumble Road has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full detailed design, signing, surface finishes and the treatment of sight lines, together with an independent road safety audit covering all aspects of the work.

Before any dwelling is occupied the scheme shall be completed in accordance with the scheme shown on the approved plans and retained thereafter”.

AMENDED RECOMMENDATION:

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

1. Provision of 20% affordable housing ie 30 dwellings;
2. The provision and subsequent maintenance of public open space within the site; and off-site contribution towards improvement of local facilities of £102,374.07.
3. An Education contribution of £215,218;
4. Footpath improvements of £65,000
5. METRO card contribution of £71,524
6. The provision of a Travel Plan monitoring fee (£2,000 per annum for 5 years).
7. £ 596,000 (£4,000 per dwelling) to fund specific community benefits and improvements within the Bywell Recreation ground, Wakefield Road recreation ground, and Earlsheaton Park

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 Strategic Investment 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 Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

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