

# Public Document Pack



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

**Julie Muscroft**

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Wednesday 2 August 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 10 August 2017**.

(A coach will depart the Town Hall, at 9.30am 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  
S Pandor  
C Scott  
M Sokhal  
S Ullah

#### **Liberal Democrat**

J Lawson  
A Marchington  
L Wilkinson

# Agenda

## Reports or Explanatory Notes Attached

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**Pages**

**1: Membership of the Committee**

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

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**2: Minutes of the Previous Meeting**

1 - 4

To approve the Minutes of the meeting of the Committee held on Thursday 13 July 2017.

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**3: Interests and Lobbying**

5 - 6

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

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**4: Admission of the Public**

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

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**5: Public Question Time**

The Committee will hear any questions from the general public.

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**6: Deputations/Petitions**

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

In accordance with Council Procedure Rule 10 (2), Members of the Public should provide at least 24 hours' notice of presenting a deputation.

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**7: Site Visit - Application No: 2017/91623**

Erection of 59 dwellings and associated means of access at Land at, Dunford Road, Hade Edge, Holmfirth.

(Estimated time of arrival at site – 9.55am)

Contact Officer: Louise Bearcroft, Planning Services

**Wards**

**Affected:** Holme Valley South

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**8: Site Visit - Application No: 2016/91967**

Outline application for residential development and convenience store, and provision of open space at Land at, Dunford Road, Hade Edge, Holmfirth.

(Estimated time of arrival at site – 9.55am)

Contact Officer: Louise Bearcroft, Planning Services

**Wards**

**Affected:** Holme Valley South

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**9: Site Visit - Application No: 2017/91111**

Outline application for erection of industrial development for B1 (business), B2 (general industry), and B8 (storage and distribution) uses at Station Road, Bradley, Huddersfield.

(Estimated time of arrival at site – 10.50am)

Contact Officer: Matthew Woodward, Planning Services

**Wards**

**Affected:** Ashbrow; Dalton

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**10: Site Visit - Application No: 2017/91502**

Demolition of existing store and erection of extension to manufacturing unit (part – retrospective) at Whiteford Felt and Fillings Ltd, Clough Mill, Grove Street, Longwood, Huddersfield

(Estimated time of arrival at site – 11.20am)

Contact Officer: Matthew Woodward, Planning Services

**Wards**

**Affected:** Golcar

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## **11: Local Authority Planning Appeals**

7 - 22

The Sub Committee will receive a report detailing the outcome of appeals against decisions of the Local Planning Authority, as submitted to the Secretary of State.

Contact Officer: Mathias Franklin, Planning Services

### **Wards**

**Affected:** Batley West; Heckmondwike; Liversedge and Gomersal

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## **Planning Applications**

23 - 26

The Planning Sub Committee will consider the Planning Applications at Agenda Items 13 to 19.

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 7 August 2017

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

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

## **12: Planning Application - Application No: 2017/91623**

27 - 50

Erection of 59 dwellings and associated means of access at Land at, Dunford Road, Hade Edge, Holmfirth.

Contact Officer: Louise Bearcroft, Planning Services

### **Wards**

**Affected:** Holme Valley South

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## **13: Planning Application - Application No: 2016/91967**

51 - 70

Outline application for residential development and convenience store, and provision of open space at Land at, Dunford Road, Hade Edge, Holmfirth.

Contact Officer: Louise Bearcroft, Planning Services

### **Wards**

**Affected:** Holme Valley South

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- 14: Planning Application - Application No: 2016/92702** 71 - 84
- Erection of training facility building with ancillary sports areas and demolition of existing pavilion at Woodfield Park Sports and Social Club, Meltham Road, Lockwood, Huddersfield.
- Contact Officer: Louise Bearcroft, Planning Services
- Wards**  
**Affected:** Crosland Moor and Netherton
- 
- 15: Planning Application - Application No: 2017/91111** 85 - 98
- Outline application for erection of industrial development for B1 (business), B2 (general industry), and B8 (storage and distribution) uses at Station Road, Bradley, Huddersfield.
- Contact Officer: Matthew Woodward, Planning Services
- Wards**  
**Affected:** Ashbrow; Dalton
- 
- 16: Planning Application - Application No: 2017/91502** 99 - 110
- Demolition of existing store and erection of extension to manufacturing unit (Part-retrospective) at Whiteford Felt and Fillings Ltd, Clough Mill, Grove Street, Longwood, Huddersfield.
- Contact Officer: Matthew Woodward
- Wards**  
**Affected:** Golcar
- 
- 17: Planning Application - Application No: 2017/90096** 111 - 122
- Change of use of land for use as scrambler bike track and formation of hard standing for parking and access land adj, New Hey Carrs, New Hey Road, Scammonden, Huddersfield.
- Contact Officer: Glenn Wakefield, Planning Services
- Wards**  
**Affected:** Colne Valley
-

- 18: Planning Application - Application No: 2016/92664** 123 - 136
- Outline application for residential development at Oak Mill, Cliff Hollins Lane, East Bierley.
- Contact Officer: Emma Thompson, Planning Services
- Wards**  
**Affected:** Cleckheaton
- 
- 19: Planning Application - Application No: 2017/92026** 137 - 142
- Redevelopment of 3 dwellings and adjoining barn to create 2 dwellings with parking and gardens at 1-3 Sugden Street, Oakenshaw, Bradford.
- Contact Officer: Mathias Franklin, Planning Services
- Wards**  
**Affected:** Cleckheaton
- 
- 20: Pre-application - Co-operative Building, New Street, Huddersfield** 143 - 148
- Conversion of an existing mixed use building to 140 bedroom student accommodation with 3 storey rooftop extension and side extension.
- Contact Officer: Mathias Franklin, Planning Services
- Wards**  
**Affected:** Newsome
- 
- 21: Position Statement - Application No: 2017/92235** 149 - 166
- Erection of new education building with associated landscaping at the University of Huddersfield, Queen Street South, Huddersfield.
- Contact Officer: Nick Hirst, Planning Services
- Wards**  
**Affected:** Newsome
- 

## **Planning Update**

167 - 178

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

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

## KIRKLEES COUNCIL

### STRATEGIC PLANNING COMMITTEE

Thursday 13th July 2017

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

#### 1 Membership of the Committee

Councillor E Firth substituted for Councillor Kane.

#### 2 Minutes of the Previous Meetings

##### **RESOLVED –**

That the Minutes of the Meetings held on 24 May 2017 and 15 June 2017 be approved as a correct record.

#### 3 Interests and Lobbying

Councillor E Firth advised that he had been lobbied on Application 2017/90772.

#### 4 Admission of the Public

It was noted that all agenda items would be considered in public session.

#### 5 Public Question Time

No questions were asked.

#### 6 Deputations/Petitions

None received.

#### 7 Site Visit - Application No: 2016/94285

Site visit undertaken.

**8 Planning Application - Application No: 2016/94285**

The Committee gave consideration to Planning Application 2016/94285 – Outline Application for erection of primary school building and reconfiguration of existing playing pitches at the playing fields and allotments adjacent to Clare Hill Playing Fields, Clare Hill, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Debbie Fulgoni and Jonathan Adamson (local residents), Matthew Rhodes (applicant's agent) and Jo-anne Sanders (on behalf of the applicant).

**RESOLVED –**

That authority be delegated to the Head of Development Management to approve the application, issue the decision notice and complete the list of conditions including; approval of details of the appearance/landscaping/scale, plans and particulars of the reserved matters, application for approval of the reserved matters, timeframe for implementation of development, all conditions required in association with highway works/parking areas/access points, improvement works to existing public rights of way, ecological mitigation and enhancement measures, community use agreement on applicant owned pitch, details of works required to replacement pitch in accordance with Sport England's Design Guidance 'Natural Turf for Sport', air quality assessment, lighting scheme, details of extract ventilation systems, contaminated land/remediation/validation conditions, scheme for the suppression of dust emissions arising from development, phase 2 ground investigation (coal authority), foul and surface water on and off site, surface water drainage, rate of surface water discharge, details and timescales of upgrading replacing allotments for existing plot holders, secure by design (crime prevention measures) and travel plan requirements condition.

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

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

Against: (no votes)

**9 Planning Application - Application No: 2017/91459**

The Committee gave consideration to Planning Application 2017/91459 – Erection of 149 dwellings with associated car parking, access, landscaping, public open space and drainage works at land off Rumble Road, Dewsbury.

**RESOLVED –**

That the application be refused (contrary to the Officer Recommendation), on the grounds that it is not in compliance with the emerging Local Plan, or Policy D3 of National Planning Policy Guidance.

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

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

Against: (no votes)

**10 Planning Application - Application No: 2017/90772**

The Committee gave consideration to 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 at Bretton Street Rail Depot, Bretton Street, Savile Town, Dewsbury.

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

**RESOLVED –**

- 1) That authority be delegated to the Head of Development Management to approve the application, issue the decision notice and complete the list of conditions including; standard 3 years for implementation, development to be carried out in accordance with approved plans, HGV routing to be limited to via Bretton Street only in accordance with submission details, all areas used by vehicles shall be retained in good condition and kept free of obstruction, existing wheel washing facilities to be retained and used by all HGV vehicles, the development to be carried out in accordance with a dust suppression scheme to be approved in writing by the LPA, no activities to take place between the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays, no crushing or screening operations to take place on Saturday, Sunday, Bank Holidays or during school holidays as per application submission, and all aggregates produced shall be stored within the existing storage bays.
- 2) That, at the request of the Committee, an additional condition be included to require supplemental tree planting as part of a landscaping scheme to provide additional screening of the site.
- 3) That authority be delegated to the Head of Development Management to secure a Section 106 agreement from the applicant to confirm 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.
- 4) That, pursuant to (3) above, in circumstances where the S106 has not been completed within 3 months of this decision, the Head of Development Management shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured, be authorised to determine the application and consider whether it should be refused, and in such cases, impose appropriate reasons for refusal under delegated powers.

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

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

Against: (no votes)

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

**LOBBYING**

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

Signed: ..... Dated: .....

## **NOTES**

### **Disclosable Pecuniary Interests**

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

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

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

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

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

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

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

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

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

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

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

### **Lobbying**

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

**Name of meeting: STRATEGIC PLANNING COMMITTEE**

**Date: 10 AUGUST 2017**

**Title of report: LOCAL PLANNING AUTHORITY APPEALS**

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

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not applicable
Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports)?</a>	No
The Decision - Is it eligible for "call in" by Scrutiny?	No
Date signed off by Service Director - Economy, Regeneration & Culture & name	Paul Kemp 1 August 2017
Is it also signed off by the Assistant Director for Financial Management, IT, Risk and Performance?	No financial implications
Is it also signed off by the Assistant Director - Legal Governance and Monitoring?	No legal implications
Cabinet member portfolio	Economy, Skills, Transportation and Planning (Councillor McBride)

**Electoral wards affected: Liversedge & Gomersal; Heckmondwike & Batley West;**

**Ward councillors consulted: No**

**Public or private:**

**1. Summary**

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

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

- 2.1 2016/62/92321/E - Deposit of inert waste on agricultural land to improve surface water drainage at Lands Farm, Cliffe Lane, Gomersal, Cleckheaton, BD19 4EU. (Strategic Committee contrary to Officer recommendation) (Dismissed)

2.2 2015/62/92944/E - Erection of 66 dwellings at Land off, White Lee Road, Batley. (Strategic Committee in accordance with Officer recommendation) (Dismissed)

**3. Implications for the Council**

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

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

**4. Consultees and their opinions**

Not applicable, the report is for information only

**5. Next steps**

Not applicable, the report is for information only

**6. Officer recommendations and reasons**

To note

**7. Cabinet portfolio holder recommendation**

Not applicable

**8. Contact officer**

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

**9. Background Papers and History of Decisions**

Not applicable

**10. Service Director responsible**

Paul Kemp



## Appeal Decision

Site visit made on 27 June 2017

by **Andrew McGlone BSc MCD MRTPI**

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

Decision date: 11 July 2017

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**Appeal Ref: APP/Z4718/W/17/3172570**

**Lands Farm, Cliffe Lane, Gomersal BD19 4EU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Robert Bean against the decision of Kirklees Metropolitan Borough Council.
  - The application Ref 2016/62/92321/EO, dated 11 July 2016, was refused by notice dated 8 December 2016.
  - The development proposed is the re-contouring of land to provide adequate surface water drainage and improved land quality through the importation of suitable inert fill material.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are: (i) whether the proposed development is inappropriate development in the Green Belt; (ii) the effect of the proposed development on the openness of the Green Belt and the purposes of including land within it; and (iii) if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

### Reasons

#### *Inappropriate development*

3. Paragraph 90 of the National Planning Policy Framework (the Framework) explains that engineering operations are not inappropriate development in the Green Belt provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt.
4. The site comprises of two agricultural fields used for pasture, which have at one time been suitable for growing crop. The appellant asserts that the proposed development is necessary to improve land drainage at the site and to maximise the agricultural efficiency of the land. While the land would not be temporarily available for agricultural purposes, the appellant farms this and surrounding land and intends to continue doing so. The proposed works all fall under the remit of an engineering operation, subject to consideration of the effect of the proposal on the openness and purposes of the Green Belt which shall decide whether or not the development is inappropriate.

### *Openness and Purposes of the Green Belt*

5. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
6. The character of the landscape is one of rural fringe. The site is generally enclosed mature established hedgerows and trees on the southern and eastern boundaries. A dense wood next to a disused railway line forms the northern boundary. The north-western boundary is, however, more open and there are glimpses from Cliffe Lane and the vehicular access to the farmstead of the existing landform. This slopes from south to north. Public footpath SPE/46/20 also allows uninterrupted views of the site as it crosses the land and into the woods. This is a well-trodden route.
7. Ground levels vary across the site. Thus, the proposal would result in an average change of roughly 1.5 metres, with a maximum change of about 3 metres. This remodelling would result in a loss to the openness of the land. Also, the type and nature of equipment which would be required to carry out the works along with the stockpiling of top soil would change the current tranquil setting that the land affords. The effects of these would be limited to the period of work, with the site later returned to pasture. Over time the proposal would relate well to the undulating landscape which surrounds the site and it would continue to act as a green buffer. However, the Framework does not seek to make a distinction regarding the level of harm through a reduction in Green Belt openness. It would be a harm to the Green Belt, which I give substantial weight as directed by paragraph 88 of the Framework.
8. While the site is open, the proposal would not result in a large built-up area being formed. Insofar as safeguarding the countryside from encroachment, the land is generally well contained by hedgerows, trees and a woodland. Also, it would not appear, based on the proposed gradients, as a man-made element. It would also return to be open. Accordingly, the proposal would not result in any encroachment beyond the site's boundaries into the adjoining countryside or lead to an urbanising effect on the site or the wider area.
9. On this basis, I conclude that the proposal would not be at odds with the purposes of including land in the Green Belt as set out in paragraph 80 of the Framework. I also conclude that the proposal would not preserve the openness of the Green Belt, albeit the effects would be moderate and temporary given the fundamental aim of Green Belt policy set out in paragraph 79 of the Framework, is to keep land permanently open. Nevertheless, this is a Green Belt harm that means the proposal would be inappropriate development in the Green Belt. As such, conflict would arise with paragraph 90 of the Framework.

### *Other considerations*

10. Notably, the land was not unduly wet or boggy at the time of my visit, but this was during the summer not long after a period of particularly warm weather. Still, the Council accept that the land to the eastern side of the site suffers from poor drainage. I gather the land is typically wet and not usable for up to half the year; livestock become stuck, cut off and can be destroyed; and health and safety issues arise from the use of agricultural equipment due to the site's steep gradient. These all, I am certain, limit the use of the land for agriculture and I recognise the appellant's aspirations to increase the land's productivity.

11. Furthermore land drains, on their own, are likely to quickly silt up, which would negate any short-term benefit from just installing drainage. However, equally I cannot be certain, due to the lack of substantive details, that the combination of a herringbone drainage system and inert self-draining material would allow the land to drain more easily and are the minimum scope of work necessary to provide a long-term solution. The proposal would use a sizeable amount of inert waste material and there are no assurances that fill material would come from local builders disposing of hard-core and sub-soil. Moreover, I am not persuaded, given the absence of substantive evidence, that this material could not be disposed at a landfill in accordance with saved Policy WD4 of the Kirklees Unitary Development Plan (UDP) or that the proposal would drive waste up the waste hierarchy set out in the National Planning Policy for Waste.
12. So, while the proposal would directly lead to a more effective and fuller use of this Green Belt land for agriculture, aside to any issues caused by the adjoining land, I am not satisfied that the proposed land raising is absolutely necessary. I therefore attach a moderate weight to the improved agricultural conditions within my overall assessment of the appeal scheme.
13. The existing land is open and undulating, although views from outside the site are not widespread. Consequently, while it forms a pleasant outlook, its value is not high. The proposal would lead to some harm to visual amenity for the period in which the works take place. However, the landform would be restored with the profile that is not universal. This is broadly consistent with the area and with saved UDP Policy WD5. I give this a neutral weight.
14. In tune with paragraph 81 of the Framework, there is a public footpath across the site which connects to a wider network. I gather footpath users often need to deviate away from the designated route to avoid large areas of standing water. The existing footpath would be temporarily diverted, but once finished the public footpath would not be subject to standing water. This would allow users' to access the land, providing recreation opportunities. As this would accord with saved UDP Policy R13 and paragraph 81 of the Framework, I attach this consideration a limited positive weight.
15. Paragraph 109 of the Framework sets out that *the planning system should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes; and minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity.* The Wildlife Survey confirms that the existing sparse hedgerow and Oak trees do not offer a good wildlife habitat and are subject to soaking. Although they would be removed, and the watercourse culverted, a more substantial hedge and native trees would be planted at intervals in the hedge. The route and flow of the watercourse would not change. Providing the existing hedgerow and trees are removed between August and February, there would be no harm to the conservation status. Thus, the proposal would result in a net gain to biodiversity which would accord with saved UDP Policies WD1 and WD5, along with paragraph 109 of the Framework. I attach this moderate positive weight.
16. Vehicular and pedestrian access and egress to and from the site would be directly out onto Cliffe Lane. The access would join the highway on a bend which has a hedgerow on the northern side. This would be trimmed back to allow improved sight lines in either direction. This is important due to the rising nature of Cliffe Lane to the east. I recognise the appellant aims to minimise nuisance from traffic movements by planning delivery times, the

number of movements, implementing a strict monitoring regime and the control of vehicles entering and egressing and travelling across the site. I also note dust suppression measures would be operated, works would be phased and the public footpath would be diverted during phase 2. Collectively I attach these matters a limited positive weight, given the requirements of saved UDP Policies WD1, WD5, EP4, T10 and R13.

17. I attach the creation of employment opportunities a limited positive weight, given that they would be for a temporary period.

### **Conclusion**

18. The Framework clearly sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Even though there would be no conflict with the purposes of including the land in the Green Belt, the proposal would be inappropriate development in the Green Belt and result in a loss of openness. By definition this is harmful and I attach these harms substantial weight as required by paragraph 88 of the Framework. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
19. My analysis leads me to attach a moderate weight to agricultural and biodiversity benefits; limited weights to employment and recreation opportunities along with highway and site management points. A neutral weight is given to the visual amenity of the landscape. I have considered matters put before me in favour of the scheme by the appellant, however I conclude that these other considerations taken together do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist and the proposal does not represent sustainable development.
20. For the reasons set out above, I conclude that the appeal should be dismissed.

*Andrew McGlone*

INSPECTOR



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# Appeal Decision

Inquiry Held on 6, 7, 8 and 9 June 2017

Site visit made on 8 June 2017

**by R W Allen B.Sc PGDip MRTPI**

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

**Decision date: 26 July 2017**

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**Appeal Ref: APP/Z4718/W/16/3162164**

**Land off White Lee Road, Batley, West Yorkshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Jones Homes (Yorkshire) Limited and M62 Developments Limited against the decision of Kirklees Metropolitan Borough Council.
  - The application Ref 2015/62/92944/E, dated 14 September 2015, was refused by notice dated 23 June 2016.
  - The proposal is described on the application form as comprising residential development (66no dwellings).
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Prior to the Inquiry, the appellants undertook amendments to the layout which resulted in the deletion of one dwelling from the total number sought. I ruled at the Inquiry that I am content to determine the appeal on the revised scheme for 65 units on the basis that the layout is not significantly altered from that considered by the Council at application stage, and that adequate consultations on those changes have been undertaken with appropriate persons. Thus the *Wheatcroft Principle*<sup>1</sup> test has been met.
3. Because of this, the Council is no longer defending its second and third reasons for refusal in respect of the adequacy of on-site open space, and on the effect of the proposed development on the living conditions of the occupiers of surrounding properties in relation to two of the proposed units. Following the submission of a viability report, the Council is also not defending its fourth reason for refusal in respect to the quantum of affordable housing provision.
4. As no other party has advanced any further representations in respect to the changes to the layout or on site open space provision, and no substantial concerns were raised at any point on the appropriate provision of affordable housing, I am content to find these matters as being resolved and, other than allowing that the provision of affordable housing is a benefit of the scheme to be weighed in the overall planning balance, I do not consider them further in my decision. I will however deal with the more general concerns of residents in

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<sup>1</sup> Bernard Wheatcroft Ltd vs. Secretary of State for the Environment [JPL 1982]

respect to the effect on their living conditions from the proposed development as a whole.

5. A legal agreement under s106 of the Town and Country Planning Act is before me, dated 7 June 2017, which makes provisions for local services and facilities made necessary by the proposed development. However, because I am dismissing the appeal on the main issue, it is not necessary for me to find on its adequacy.

### **Main Issue**

6. Mindful of the above, the main issue before me is whether or not the proposed development on land identified as 'Urban Greenspace' in the development plan is justified.

### **Reasons**

#### *Policy context*

7. The development plan for the area is the Kirklees Unitary Development Plan 1999 (with saved policies) (UDP). Common ground exists between the main parties that the appeal site forms part of a wider area of land designated within the UDP as 'Urban Greenspace' (UG), where UDP policy D3 applies. The policy seeks to protect identified open land within urban environments, which the Council says is of strategic functional importance to the borough. Development is generally resisted (save for some exceptions which are not relevant in this case) for a number of reasons set out in the preamble to the policy<sup>2</sup>. Pertinent to the appeal is its contribution to character and visual amenity, the appeal site being specifically identified by the Council in its evidence as a natural and semi-natural greenspace. The appeal site is currently open land and within private ownership, and it is not available for public use.
8. The main parties agree that the proposed development would not accord with UDP policy D3, insofar as it would result in the loss of natural and semi-natural UG land. I have no reason to take an alternative view. The extent to which the proposed development might undermine and cause significant harm to the site's visual amenity function is contested; a point to which I return later in my decision.
9. The parties dispute the appropriate weight to be applied to UDP policy D3 and whether it is consistent with the National Planning Policy Framework (the Framework). At the Inquiry, my attention was frequently drawn to the New Lane appeal decision (also referred to as the Strata Homes Development)<sup>3</sup>, in which similar arguments on the matter were rehearsed. The Inspector in that decision found that the policy is out-of-date. This is because at that time, the Courts held that a policy relevant to the supply of housing included those which also constrain or affect housing. Undoubtedly, UDP policy D3 does just that.
10. However, subsequent clarification from the Supreme Court in the Suffolk Coastal case<sup>4</sup> has now narrowed the definition of a housing policy to that relating only to the control of supply, thus the Inspector's wider interpretation is now redundant. The policy is not out-of-date for the purposes of paragraph

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<sup>2</sup> Paragraph 2.7 Kirklees Unitary Development Plan

<sup>3</sup> Appeal decision APP/Z4718/W/16/3147937

<sup>4</sup> Suffolk Coastal District Council v Hopkins Homes and SSCLG, Richborough Estates Partnership LLP and SSCLG v Cheshire East Borough Council [2017] UKSC 37

49 of the Framework. Moreover, it is not apparent from the previous decision that the New Lane Inspector subjected UDP policy D3 to a health check against other parts of the Framework, particularly paragraph 73. This was not unexpected given the circumstances before him at that time, but it is necessary for me given the matters at hand.

11. The appellants suggest that UDP policy D3 is inbuilt with confusion, inflexible, and fails to take a balanced approach towards development. I do not find this to be the case. The policy's primary purpose is to protect designated UG, and as such it cannot be overtly criticised for its purportedly unfriendly or unwelcoming tone to new development. However, it does not impose a blanket ban on development. It allows flexibility for the decision maker to consider the merits of a case particularly if community benefits are deemed to exist, and I am alive to the fact that the definition of said community benefits can be open to interpretation. While UDP policy D3 may not precisely mirror the Framework's approach to balance, it is broadly consistent with it, sufficient for me to afford significant weight to the policy in this particular regard.
12. The opening sentence of paragraph 73 of the Framework states that access to high quality open spaces and opportunities for sports and recreation can make an important contribution to the health and well-being of communities. The term '*open space*' and whether it should be considered independently of, or in conjunction with '*sports and recreation*' is a matter of dispute between the parties, and I acknowledge it is somewhat ambiguous.
13. However, from my reading of both paragraph 73, and the Glossary section contained in Annex 2 of the Framework, I do not find that open space and sports and recreation are conjoined in the manner suggested by the appellants. Furthermore, I find no obvious reason why visual access, in addition to physical access, is not a valid purpose of the provision of open space, and cannot be of public benefit in its own right particularly when it is possible to experience the space at close proximity, for example through the existence and use of public footpaths. Therefore the function of UDP policy D3 in seeking to protect the visual amenity of UG is not, I find, inconsistent with the Framework.
14. The second sentence of paragraph 73 of the Framework states that planning policies should be based on up-to-date and robust assessments for the needs for open space, sports and recreation facilities and opportunities for new provision. Here, the Council relies on its Kirklees Open Space Strategy 2015 (updated 2016) (KOSS). This states that the area is deficient of natural and semi-natural greenspace when measured against a standard of two hectares per 1000 population. The Council says this justifies the continued protection of the appeal site as UG.
15. The KOSS's area of search focuses only on urban sites, including UG. It does not consider other sites within the vicinity, particularly Green Belt land as identified by the appellants, where accessible natural and semi-natural greenspace is also said to exist. Had the Council included such sites within the KOSS, the appellants say that instead of there being a deficit, there would in fact be a considerable surplus of natural and semi-natural greenspace in the area. Thus, they say, the loss of the appeal site would have little overall bearing on the availability of such sites to local people. The Council has not sufficiently explained why the KOSS did not include Green Belt sites, and I see

- no obvious reason why it could not and should not have taken a wider and more rounded assessment of all such sites within the area.
16. Having said that, it does not follow that the KOSS is necessarily flawed as a result. I heard little substantive evidence to suggest that, in its own right, the KOSS is not a thorough qualitative and quantitative assessment of the sites it has evaluated. Furthermore, the appellants' survey of other natural and semi-natural greenspace sites it has identified has not been subjected to the same or similar qualitative and quantitative assessment as those within the KOSS, but rather identified by a relatively simple radial search taken from a centre point of two adjoining wards, as well as a site visit.
  17. Without equivalent comparable evidence, I cannot conclude with any degree of certainty that a surplus of natural and semi-natural greenspace sites must exist. While I acknowledge that the KOSS is a document to inform the emerging Local Plan and has not yet been subjected to external examination, I find nothing on the evidence before me to suggest that it is not a sound, robust and up-to-date assessment of the natural and semi-natural greenspace within the urban area covered by UDP policy D3.
  18. Therefore, for reasons given above, I find that UDP policy D3 is not out-of-date because of any inconsistency with the Framework on matters of balance; that its purpose to protect open spaces for visual amenity reasons accords with the definition within the Framework, and its purpose is supported by a robust and up-to-date assessment. I therefore find that the policy, notwithstanding its age, accords with the Framework's approach to promote healthy communities, and I afford substantial weight to it in my decision.
  19. The main parties initially disputed whether paragraph 74 of the Framework is relevant to the appeal, and whether the proposal accords with it. However at the Inquiry, the Council conceded that it did not apply. This is because open space, protected for its visual amenity, could not realistically ever be deemed to be 'surplus to requirement' or replaceable by 'equivalent or better provision' in common sense terms. This follows the findings of the New Lane Inspector, and I agree with those sentiments.
  20. The main parties agree that the Council cannot demonstrate a five year housing land supply, with a shortfall ranging between 2.2 and 2.6 years depending on whether I accept the appellants or the Council to be correct. The so called tilted balance set out at paragraph 14 of the Framework is engaged in either case and the dispute over the precise figure between the parties is not a determinative matter, on the basis that in either case, the shortfall can be considered as substantial.

*Whether development is justified*

21. The appeal site is a parcel of undeveloped land. It spurs off from the wider UG to its south and south east; separated by a Public Right of Way footpath. The appeal site is surrounded on three sides by residential development, although the dwellings on the eastern boundary are at a much lower level. I find that the appeal site reads as part of, and significantly contributes towards the strategic function of the wider UG, albeit that it is not a strategically important site in its own right. Additional residential development on the site's western and northern boundaries in recent years has not undermined this contribution.



22. The public footpath provides a physical connection between Enfield Close and White Lee Road. But I find little evidence which suggests that it is used merely as a convenient shortcut by residents and others. By contrast, I am persuaded that it is an important route which transports its users into a semi-rural environment, bounded by attractive natural and semi-natural open greenspace along both sides, while offering some stunning views across the wider landscape for those travelling in an easterly direction. It provides visual relief and a sense of openness and rurality within fairly dense urban surroundings. I concur with the UDP Inspector's findings<sup>5</sup> that the appeal site itself has a pleasant, semi-rural character; that it positively contributes to and enhances the enjoyment of the use of the public footpath; and that its designation as UG is merited.
23. The UDP Inspector nevertheless quantified his comments, referring to a need to balance preservation of the attractive character with housing supply<sup>6</sup>. While he did not, at that time, need to allocate the appeal site for housing, he concluded that it could accommodate development without causing undue harm to the overall UG, providing the erosion of the open area is kept to a minimum. Noting the Framework's requirement to significantly boost housing supply, I find nothing inherently wrong with this approach to the appeal site. However, it is the balance referred to by that Inspector which I find is not achieved in this case by some considerable margin.
24. Including the estate roads and parking areas, the proposed development would consume nearly all of the site area, with the built form extending considerably and unwelcomely close to the public footpath, despite the proposed provision of an open space separation buffer. As a result, the openness and visual relief currently provided by this part of the UG would be substantially eroded. The feeling of rurality, surrounded by natural and semi-natural space, would give way to a semi-urbanised environment. Users of the footpath would be unable to escape or ignore not only the visual intrusion from dwelling houses, but also the associated domestic paraphernalia and inevitable noise. The sense of openness, a key attribute of the UG experience, as well the distant views and appreciation of the attractive wider landscape particularly of White Lee, would be obstructed and in some cases entirely lost.
25. I do not share the appellants' view that, panoramically, there would be little overall harm in views from the public footpath. To take this judgement would, I find, require the footpath user to walk sideways along it with his or her back to the appeal site, as from any other viewpoint the scale and proximity of dwellings would be obvious, unduly apparent and significantly harmful.
26. I acknowledge that the proposed development would include provision of publicly accessible open space adjacent to the public footpath, something which does not currently exist. I also appreciate the appellants' intentions to place seating along this land, which would allow footpath users to sit, rest, and enjoy the wider natural and semi-natural UG scenery. However, this would in my judgement amount to scant compensation for the harm caused by the proximity and encroachment of built form in relation to the footpath that would be an inevitable consequence of the development proposed, and the tangible loss of openness that would result. As I have alluded to above, that the site is not currently publicly accessible and cannot be used for physical exercise does

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<sup>5</sup> Paragraph 21.33.4 of the Kirklees Unitary Development Plan – Inspector's Report

<sup>6</sup> Paragraph 21.33.5 of the Kirklees Unitary Development Plan – Inspector's Report

- not undermine the role it plays in promoting healthy communities simply by its very existence and appreciation of open space and views of the surrounding landscape by its users.
27. I am less concerned in respect to the visual effect of the proposed development from longer range views. I viewed the appeal site specifically from two areas at the invitation of both main parties; from the appellants' identified Viewpoint 6 to the south of the site, and Viewpoint 3 from the Bagshaw Museum, which lies some distance to the north east but from which views of the appeal site can be readily afforded. While the addition of dwellings would undoubtedly be visible and identifiable in the landscape, I find that overall it would not detract from the wider and panoramic appreciation and understanding of the UG and surroundings. I reach the same conclusion in relation to other identified viewpoints. However, the absence of significant harm from longer ranges is not sufficient to outweigh the considerable adverse visual effects from the adjacent public footpath that I have identified.
  28. The Council's five year housing land supply position is acutely short. Engaged paragraph 14 of the Framework states that planning permission for development should be granted unless any adverse impacts significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
  29. The main parties agree that the proposed development would bring social and economic benefits. The appeal site is sustainably located, being sited close to a good number of local services and facilities, and I have no reason to disagree. The proposed development could also provide local construction employment opportunities as well as additional custom for local services in the area.
  30. The most significant benefit would be the addition of much needed market and affordable housing to meet the needs of present and future generations. Importantly, it would make a sizeable and welcomed contribution to the Council's housing stock at a time of pressing need. I do not underplay the importance of housing delivery in this area, particularly where the five year housing land supply of the Council is severely short of where it should be. I attach considerable weight to these identified benefits.
  31. However, the quantum and extent of development proposed would cause very considerable visual harm to the users of the public footpath, whose enjoyment and experience of the openness of this natural and semi-natural greenspace and wider views, and the site's sense of rurality would be severely impaired. It would fail to provide the necessary balance of protectionism against housing need. The effect on visual amenity would undermine the role and function of the UG.
  32. In my judgement, this harm would significantly and demonstrably outweigh the benefits of the scheme. I therefore conclude that the proposal would not amount to sustainable development in applying the Framework as a whole, and that the development on designated UG is not justified in this instance. The proposed development would not accord with UDP policy D3 which, as set out above, can be afforded significant weight in my decision. As this policy goes to the heart of the appeal, the proposed development is contrary to the development plan as a whole, irrespective of whether other policies in the UDP are accorded with.

### **Other Matters**

33. Concerns have been raised by residents in respect to the effect of the proposed development on the local highway network caused by increased traffic in the area. I observed a steady stream of vehicular movement passing along White Lee Road in both directions. However, I did not observe any particular traffic issues, and insufficiently robust or substantiated evidence has been advanced to demonstrate that the proposed development would cause significant harm to the function of the local highway network or in terms of highway safety. The Council has not raised this as an issue and, in the absence of evidence to the contrary, I have no reason to disagree. Similarly, there is no substantive evidence to support concerns as to the capacity of the existing bus services in relation to additional demand as a consequence of the appeal scheme.
34. Concerns have also been raised in respect to the effect of the proposed development on the living conditions of occupiers of surrounding residential properties, particularly to those residents in Enfield Drive, Enfield Close and Oakwell Avenue, which sit in some cases at a considerably lower level than the appeal site. I note particularly that Nos. 89, 91 and 93 Enfield Close are positioned within close proximity of the boundary with the appeal site. However, I am satisfied that an adequate and satisfactory separation distance would be retained between the dwellings, and that whilst their outlook may change, there would be no material harm to privacy or outlook for existing occupiers. I am also satisfied that other dwellings are either sufficiently distant, or aligned away from the appeal site such that no significant harm would occur to the living conditions of the occupiers of these properties.
35. Local residents suggest that there would be harm to wildlife. However, there is no substantiated evidence to indicate that any notable or protected species have been recorded on the site. The Council has not raised wildlife matters as a concern, and in the absence of evidence to the contrary I have no reason to reach an alternative view.

### **Conclusion**

36. For the reasons given above, I conclude on balance that the appeal should be dismissed.

*R Allen*

INSPECTOR

## **APPEARANCES**

### **FOR THE LOCAL PLANNING AUTHORITY:**

Mr Alan Evans	Instructed by Julie Muscroft, Director of Legal Governance and Monitoring, Kirklees Council
He called:	
Ms Emma Mills CMLI	Landscape Officer
Ms Louise Bearcroft BA Hons MSc MRTPI	Planning Officer

### **FOR THE APPELLANTS:**

Mr Andrew Williamson and Mr Josh Kitson	Instructed by Mr Josh Kitson on behalf of the appellants
They called:	
Mr Leigh Ogden MIHE, MCIHT	Highways Consultant
Ms Pauline Randall BSc MALA FLI	Landscape Consultant
Mr Paul Bedwell BA (Hons) Dip TRP MRTPI	Planning Consultant

### **INTERESTED PERSONS:**

Ms Cynthia Mallard	Local Resident
Ms Nell McIntyre	Local Resident
Mr Ian Taylor	Local Resident

### **DOCUMENTS SUBMITTED:**

1. Copy of the s106 Legal Agreement submitted by the appellants.
2. Copy of the Bernard Wheatcroft Ltd v SoS Judgement dated 1982 submitted by the appellants.
3. The Guidelines for Landscape and Visual Impact Assessment Third Edition submitted by the appellants.
4. Kirklees Council's Landscape Character Assessment dated Autumn 2016 submitted by the appellants.
5. Copy of the Suffolk Coastal District Council v Hopkins Homes Judgement dated 10 May 2017 submitted by the Council.
6. Second Supplementary Statement of Common Ground dated 31 May and 5 June 2017, updated drawings list and drawings nos. 639A.03C; 639A.01C; 2654-1-001 Rev Y; 8694/004 Rev C; 639\_034A; and 639\_04A submitted by the appellants.
7. Consultation response of Ms Mills in respect to site at Fieldhead Farm, White Lee Road submitted by the appellants.

8. Updated list of suggested conditions submitted by the appellants.
9. Drawing illustrating road calming measures for White Lee Road as part of 'Phase 1' development submitted by the appellants.
10. Updated plans list submitted by the appellants
11. Signed and engrossed s106 Legal Agreement dated 7 June 2017 submitted by the appellants.
12. Questions for Ms Randall submitted by Mr Taylor.

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

## **PLANNING POLICY**

The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).

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

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

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

## **REPRESENTATIONS**

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

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

## **EQUALITY ISSUES**

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

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

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

## **HUMAN RIGHTS**

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

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

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



## **PLANNING CONDITIONS AND OBLIGATIONS**

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

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

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

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

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

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

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Originator: Louise Bearcroft

Tel: 01484 221000

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**Report of the Head of Strategic Investment**

**STRATEGIC PLANNING COMMITTEE**

**Date: 10-Aug-2017**

**Subject: Planning Application 2017/91623 Erection of 59 dwellings and associated means of access Land at, Dunford Road, Hade Edge, Holmfirth, HD9 2RT**

**APPLICANT**

Jones Homes (Yorkshire)  
Limited

**DATE VALID**

11-May-2017

**TARGET DATE**

10-Aug-2017

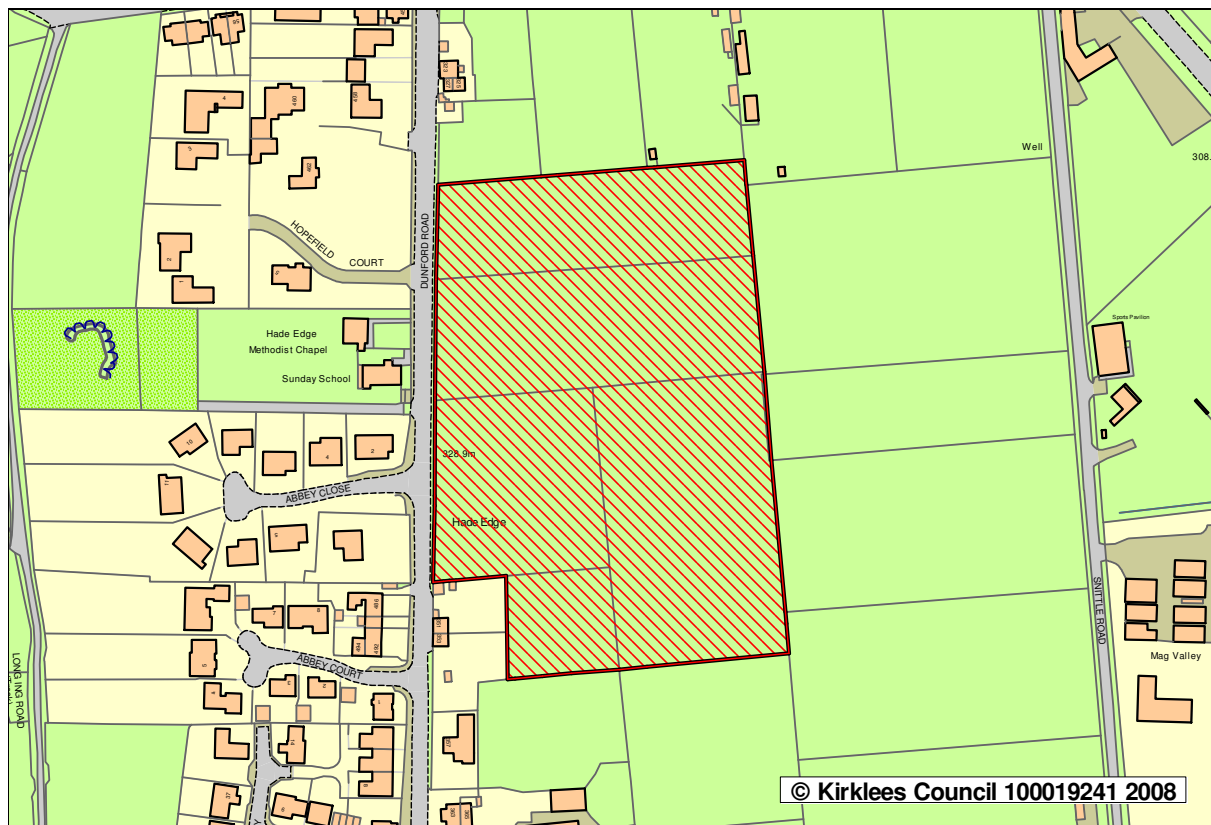
**EXTENSION EXPIRY DATE**

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

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

## LOCATION PLAN



Map not to scale – for identification purposes only

**Electoral Wards Affected:** Holme Valley South

Yes

Ward Members consulted

### RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to:

Consult Natural England on the outcome of the Habitat Regulations & Visual Impact Assessment and have regard to their advice (in the event that an objection is received the application will be referred back to Strategic Planning Committee for re-determination)

Await consultation response from Peak Park Authority (in the event that an objection is received the application will be referred back to Strategic Planning Committee for re-determination)

Complete the list of conditions including those contained within this report and secure a section 106 agreement to cover the following matters

1. *Public open space contribution of £256,474*
2. *12 dwellings to be affordable with a tenure split of 6 being Social Rented and six being Sub Market.*
3. *£250,400 towards Education requirements arising from the development*
4. *Sustainable Transport fund £31,762.50*

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of 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:**

- 1.1 The application seeks full planning permission for the erection of 59 dwellings and associated means of access on land at Dunford Road, Hade Edge. The site is allocated as Provisional Open Land on the Kirklees Unitary Development Plan (UDP). The application represents a departure from the Development Plan and under the Councils delegation agreement the application would usually be referred to Huddersfield Planning Sub-Committee for a decision. The Local Planning Authority however are also considering an outline application for residential development on the same site which indicatively proposes over 60 dwellings and which would be referred to Strategic Planning Committee for a decision. Officers consider it appropriate to refer both applications to the same planning committee for determination. This is in accordance with the agreement of the Chair of Strategic Committee.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The site is approximately 2.5 hectares in size and comprises of open grassed fields located to the east of Dunford Road at Hade Edge. The site is delineated by a stone boundary wall adjacent to Dunford Road and is relatively flat with levels falling gradually to the east.
- 2.2 The site is located within the village of Hade Edge. Dwellinghouses are located to the west of Dunford Road and to the north of Greave Road, and local facilities include a school, butchers and food hall, public house, band room, and a Methodist chapel and Sunday school. The land to the north, east and south of the site is largely undeveloped with some residential development, and a Turkey Farm.

2.3 The site is part of a wider allocation of Provisional Open Land on the Kirklees UDP proposals Map which extends to the north and south of the application site. The adjacent land to the east is within the green belt.

### **3.0 PROPOSAL:**

3.1 The application is a full application for 59 dwellings and associated means of access.

3.2 The proposed layout includes a mix of detached, semi-detached and terraced properties. The dwellings would be two storeys in height with the exception of a pair of semi-detached bungalows. The proposed materials are Cottingley Natural Walling stone to all plots fronting onto Dunford Road and Costhorpe Black old Weathered artificial stone for the remainder of the plots. The design of the dwellings also includes render. Cemex Grampain Slate grey roofing tiles are proposed for all plots.

3.3 Vehicular access is proposed via a new access point off Dunford Road, opposite the Hade Edge Methodist Chapel.

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

4.1 2016/91967 –Outline application for residential development and convenience store, and provision of open space – Pending decision

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

5.1 Officers negotiated with the applicant to:

- Secure revisions to the layout to address the density of development and landscaping matters.

### **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 25<sup>th</sup> 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.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 D5 – Provisional open land
- BE1 – Design principles
- BE2 – Quality of design
- BE11 – Materials
- BE12 – Space about buildings
- T10 – Highway Safety
- T16 – Pedestrians Safety
- D2 – Unallocated Land
- EP11 – Ecological landscaping
- NE9 – Retention of mature trees
- G6 – Contaminated Land
- H1 – Meeting housing needs in the district
- H10 – Affordable housing
- H12 – Affordable housing
- H18 – Public Open Space
- EP4 – Noise sensitive development
- EP10 – Energy efficiency
- EP11 – Integral landscaping scheme to protect / enhance ecology

Kirklees Draft Local Plan

- PLP – Presumption in favour of sustainable development
- PL11 – Housing Mix and affordable housing
- PLP 24 – Design
- PLP25 – Highway safety and access
- PLP 28 – Drainage
- PLP 30 – Biodiversity and Geodiversity

Supplementary Planning Guidance / Documents:

- 6.3 Kirklees Council Interim Affordable Housing Policy

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

National Planning Guidance:

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

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

7.1 The application was advertised by neighbour letter, site notice and press notice with the final publicity expiring 16<sup>th</sup> June 2017. As a result of this publicity 61 letters of objection have been received including an objection from the Hade Edge Fight for the Fields (HEFF) committee. The HEFF have submitted copies of a community questionnaire, sustainability/energy footprint calculations and ecological information.

The concerns raised have been précised below as follows:

### **7.2 Principle of Development**

- Hade Edge is an isolated upland village, closely linked to the Peak National Park. The village is located at high altitude with inclement climate. Hade Edge is in an unsustainable location due to the topography of the area, lack of services and poor public transport.
- HEFF consider the proposed housing allocation is flawed and unsound. HEFF contend that the draft allocation should carry little weight and time should be given to debate the relevant issues before the Inspector. A decision on the application before then would be premature given the unique characteristics of the village and the application site.
- As part of the evidence base for the emerging local plan, Kirklees produced a settlement appraisal which ranked Hade Edge 52 out of 53 settlements for access to employment, education, healthcare and town and local centre facilities.
- HEFF consider the Council's sustainability appraisal is unreliable.
- The application does not improve local infrastructure or services and it disproportionate in size for a small village.
- The development is contrary to the need to move towards a lower energy and carbon footprint future and have provided supporting calculations.
- The number of houses is too high given the lack of sustainability and the size of the village.
- The development will spoil a rural village, have an impact on the local Farming community and reduce farming land.
- The development will change a beautiful small village into a town and is not wanted by local residents.
- The development is not sustainable, public transport is infrequent and easily disrupted. The nature of the incline means that residents in Hade Edge rarely travel on foot or by cycle.
- Kirklees has rejected a single dwelling in Hade Edge Ref 2009/91808 on sustainability grounds.
- Working from home is infeasible due to fragmented broadband infrastructure.
- In the Local Plan Rejected site options the land was cited as being inappropriate for development.
- The main demand for housing is in Kirklees North, a development of 3-5 bedroom homes will not target this demand.
- The development will be solely reliant on private car commuting.
- The size of the development will increase the village's overall size by around 30%.



- The proposal will contravene the NPPF for limiting infilling of villages in the green belt.
- This is a sensitive site, and proposing a housing estate on this scale would be inappropriate. It is only 1Km from the Peak District National Park boundary, visible from it, and only ½ Km from the substantial area of upland Pennine Access Land. Bare Bones Road is the PDNP boundary, as well as the Barnsley and S. Yorks boundaries.
- Bus Services to and from the village run only 3 return services per day.
- Although the village is only 2km from Holmfirth, the topography makes walking to amenities impossible.

### 7.3 Highway Safety

- Concern about the implications for the local transport infrastructure. There are minimal bus services around the village. To live in Hade Edge it is necessary to own a car. The development would mean an additional 100 vehicles using significantly congested local roads which are totally unsuitable for modern traffic. The b6106 Dunford Road is narrow with on-street parking. It is used by the bus service to Scholes and Hepworth and HGVS. Regular congestion occurs as a consequence of large vehicles attempting to pass each other.
- Visitors to the Methodist Chapel and Sunday School would cause a traffic hazard.
- There are significant pinch points on Dunford Road and at Scholes and Jackson Bridge. Delays are commonplace.
- The location of the access roads would be a detriment to road users and pedestrians.
- The development will cause highway safety issues due to the nature of the access to Dunford Road, a right or left turn on a blind summit in a 60mph speed limit.
- The highway network will not cope with the increase in private car commuting.
- Consideration of the application is premature considering the proximity of the public examination of the local plan.

### 7.4 Air Quality

- Health effect of vehicular air pollution

### 7.5 Design and heritage

- The types of houses shown are standard, little effort has been made to assess the character and nature of the village. The design of the houses needs to incorporate materials which are more complementary to the village and suitable for the location.
- The property's proposed are completely out of character with the local environment and other buildings and property's. Will be a complete eyesore and spoil the landscape.
- The scale of development will swamp the village and change its character.
- The site access will be directly across from a Grade II listed chapel.
- The Kirklees landscape character assessment stated that this character area provides an immediate setting to the Peal District National Park.
- The design and materials are not in keeping.

- The character of the area will lose its wildness and make it a plastic commuter belt.
- The grade II listed Methodist Chapel and Sunday School will lose its open aspect across the fields.
- The design is of poor quality that does not reflect the nature or character of the Valley's vernacular.
- Concern about an urban 'canyon effect' along this stretch of Dunford Road, out of keeping with the village's open character, and proximity to the moors.

#### 7.6 **Residential Amenity**

- White Abbey Farm will be engulfed by 8 houses. The access will be overlooked. Concern about overshadowing and overlooking.
- The proposal will result in excessive noise and disturbance.
- Concern about the impact on the quality of life of residents.

#### 7.7 **Wildlife**

- Concern about the damage to local wildlife we have a lot of bird species here.
- The local fields are habitat for a number of species. These include Golden Plover, brown hare, hedgehog, curlew, short eared owl, bats, turtle dove, stock dove, bullfinches and lapwing and oyster catchers. Winter visitors include fieldfares and redwings.
- The development would not mean 'organic' urban growth, more suited to such a Green Belt village, but mass suburbanisation to within a field or two of damp upland habitats.
- The ecological survey was conducted in winter and is not a suitable time.

#### 7.8 **Drainage**

- Concern about the impact on the local sewage and drainage systems.
- Hade Edge is served by a sewerage system installed in the 1960s. this system fails to cope with current demand in bad weather.
- Yorkshire Water calculations for not include residences in Bayfield Close or Hill Top View.
- The site acts as a soakaway.

#### 7.9 **Other**

- The layout raises concern that the scheme could be extended onto land either side. This application could increase the size of the village by around 35%, by incorporating adjoining land, the village could double in size – this is completely disproportionate for a small village with its current level of services and infrastructure.
- Concern the proposal will have a serious impact on the operation of the Turkey Farm.
- If we have to have a new development in Hade Edge, then please could it include a shop
- The local village school is at full capacity, there are no vacancies and it is operating at full numbers. The school infrastructure in Hade Edge and the surrounding schools will not cope.
- Transport to Holmfirth High School would add a costly overhead for Kirklees. The burden would be £246 per child per year.

- The clean water supply is reliant on pumps at Hade Edge Reservoir. There have been 8 losses of pressure in 999 days.
- Concern about noise from the turkey farm.
- The residents questionnaire issued by Savill's was not balanced. HEFF have carried out their own community questionnaire. The village questionnaire shows without exception that local residents are opposed to the development.
- Hade Edge experiences colder weather which has an impact on heating a house. It takes a lot more to heat a house in Hade Edge than Huddersfield. Building a new estate will lead to people moving in and then moving again after the first winter. That will lead to a lot of expense for low income residents.
- There is no need for this kind of open market housing development in the village.

#### 7.10 **Holme Valley Parish Council**

Object to the application on the grounds of sustainability and this is land designated as "POL" in the UDP.

Section D5 of the UDP states "On sites designated as provisional open land, planning permission will not be granted other than for development required in connection with established uses, changes of use to alternative open land uses or temporary uses which would not prejudice the contribution of the site to the character of its surroundings and the possibility of development in the longer term".

Until the Local Plan is adapted this policy D5 is still valid and therefore granting approval of this application would contradict Kirklees' current policy for a POL site.

The Parish Council supports its constituent' strong feelings on this matter and share their concerns that this scale of development is inappropriate in the Green Belt.

Members also have concerns about the following:

- 1) Highways/traffic issues – transport and other infrastructure is inadequate, eg. Lack of public transport means property owners would be reliant upon cars and this development alone could add 100 additional vehicles. The local roads in this area are already significantly congested and unsuitable for modern traffic use, with narrow roads and a lack of off street parking.
- 2) Previous consultations by the developer have been dismissive of the views of neighbouring property owners.
- 3) A development of this scale will swamp the village and change its character irreversibly.
- 4) The site is functionally linked to a designated site of specific scientific interest (SSSI) as defined by Natural England and protected by law to conserve the site's wildlife and/or geology.

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

**K.C Highways** – No objections subject to conditions

**Yorkshire Water** – No objection

**Peak District National Park Authority-** No response at the time of writing

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

**K.C Environmental Services** – No objection

**K.C Arboricultural Officer** – No objection

**K.C Conservation and Design** – Requested revisions to the design and layout

**K.C Ecology Unit** – the application cannot be determined until Habitat Regulations Assessment has been completed.

**K.C Flood Management** –No objection

**Natural England** – No objections

**Crime Prevention** –No objection

**Housing** – No objections

**Education** – An education contribution of £250,400.00 is required

**Landscape** – No objections.

## **9.0 MAIN ISSUES**

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

## 10.0 APPRAISAL

### Principle of development:

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

10.2 The site is allocated as Provisional Open Land (POL) on the Unitary Development Plan. As such the proposal is considered against Policy D5. Policy D5 states that:

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

10.3 The weight that can be given to Policy D5 in determining applications for housing must be assessed in the context of NPPF paragraphs 49 and 215. These indicate that policies regarding housing should not be considered up to date unless the authority can demonstrate a five year supply of housing. The Council is currently unable to demonstrate a five year supply of deliverable housing sites.

10.4 The weight that can be given to policy D5 in these circumstances is that this policy is up to date and must be weighed in the balance.

10.5 Paragraph 14 states that there is a presumption in favour of sustainable development. For ‘decision taking’ this paragraph goes on to state that this means where relevant policies are out-of-date, planning permission should be granted *“unless any adverse impacts ... would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted”*. However, Paragraph 119 of the NPPF makes it clear that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats directive is being considered. Paragraph 119 states: *The presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined*. Consequently given the need for a Habitat Regulations Assessment the presumption in favour of sustainable development will not apply in this case and consideration of the merits of the proposal must be weighed against the negatives.

- 10.6 Consideration must be given as to whether the proposal is sustainable development. The NPPF identifies the dimensions of sustainable development as economic, social and environmental (Para.7). It states that these facets are mutually dependent and should not be undertaken in isolation (Para.8). The proposal has been assessed against each role as follows:
- 10.7 The site is located within the village of Hade Edge. The village is within a rural location with a limited public transport service. The closest bus stops are located on Dunford Road and Greave Road and provide services to Penistone and Holmfirth, New Mill, Hepworth, and Huddersfield. Future residents of the development are likely to rely on private transport to access jobs, shops and other services and it is acknowledged that the site is not well served by public transport. There are some local facilities within the village, including a junior and infant school, a butchers and food hall, a band room, recreational area, a public house and a Methodist chapel and Sunday school. Residents would generally have to travel outside of the village however to access health, shops and employment opportunities. The village has a bus service, but is poorly connected in comparison with many other towns and villages in the district. It could be argued that an increase in population could create demand to help generate a degree of voluntary social / community organisation although it is recognised that this would be extremely marginal. Accessibility however is only one aspect of overall sustainability and it is necessary to assess the economic, social and environmental aspects of the proposal.
- 10.8 A proposal for 59 dwellings provides economic gains by providing business opportunities for contractors and local suppliers. There will be a social gain through the provision of new housing at a time of general shortage and the scheme will be subject to an affordable housing contribution which is a positive role of the development. The development of a greenfield site represents an environmental loss. However, whilst national policy encourages the use of brownfield land for development it also makes clear that no significant weight can be given to the loss of greenfield sites to housing when there is a national priority to increase housing supply.
- 10.9 In terms of more detailed issues within the site, NPPF paragraph 58 sets out the requirement for developments to “*optimise the potential of the site to accommodate development*”. As this proposal only covers part of the POL site, the proposal would need to demonstrate that it does not prevent the remainder of the POL site being developed. The POL allocation includes land to the north and the south of the site which could be accessed off Dunford Road. Accordingly, the proposal would not prevent the remainder of the POL site being developed.

*Kirklees Publication Draft Local Plan*

- 10.10 The Publication Draft Local Plan (PDLP) was submitted to the Secretary of State on 25<sup>th</sup> April 2017 for examination in public. The site forms a housing allocation (H288a) within the PDLP. Given that the PDLP has now been submitted consideration needs to be given to the weight afforded to the site's allocation in the PDLP.

10.11 The NPPF provides guidance in relation to the weight afforded to emerging local plans, paragraph 216 which states:

*216. From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

10.12 The above is further supplemented by guidance in the Planning Practice Guidance (PPG). The PPG states that “*arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:*

- a. *the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood planning; and*
- b. *the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*

10.13 Given the scale of the development when assessed against the wider context of the Local Plan the application could not be deemed to be premature as it is not considered to be central to the delivery of the Local Plan. Whilst Planning Officers do not consider that the application is premature in terms of the KPDLP, it has been confirmed that given the advanced stage at which the Local Plan has progressed considerable weight should be afforded to the policies within the KPDLP. An assessment of the relevant local plan policies is therefore undertaken throughout this report.

### *The Planning Balance*

10.14 In assessing the planning balance of the application consideration has been given in relation to social, economic and environmental factors. The social and economic benefits the proposal would provide the provision 59 dwellings and would make a significant contribution to the housing land supply. In conclusion the planning judgement on the proposal is that the benefits of housing provision weigh heavily in favour of the proposal and the adverse impacts of the loss of this green field and POL site do not demonstrably outweigh the benefits of developing the site, when considered as a whole along with all other relevant material considerations. The proposal would accord with the Core Planning Principles of the NPPF.

### **Urban Design, Landscape Impact and Character of the Local Area:**

- 10.15 The landscape impact of the development and its impact on the character of the local area need to be considered, particularly given the scale of the development relative to the existing village of Hade Edge. The NPPF sets out that advice in relation to design in the core planning principle and paragraphs 56 and 58. These policies are considered appropriate when considering the impact the development would have on the character of the local area.
- 10.16 The core planning principles in the NPPF provide guidance on design and state that new development should “*always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.*” Paragraph 56 states, “*The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.*” Paragraph 58 states that decision should aim to ensure that developments establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. These policies are further supported by Policies BE1 and BE2 of the UDP which state that new development should create or retain a sense of local identity and is in keeping with surrounding development in respect of design and layout. Policy PLP24 of the KPDLP states good design should be at the core of all proposals such that the form, scale, layout and details of all development respects and enhances the character of the landscape. The applicants are undertaking a landscape and visual impact assessment which will be assessed and commented upon when it is received. This is likely to be reported within the update.
- 10.17 Within the village existing dwellinghouses are predominately two storeys in height and of natural stone construction, with stone boundary walls. There are prominent views of the site from Penistone Road looking west towards Dunford Road. The existing village and the application site are not within a conservation area; however to the west of the site (opposite the proposed access) are the Hade Edge Methodist Chapel and Sunday School which are grade II listed buildings.



- 10.18 A proposal for 59 dwellings will represent a relatively substantial increase in the number of existing dwellings within the village and the development would be prominent, in particular from views off Penistone Road. The application seeks permission for a high density of development and there are no submitted landscape plans at this stage with little detail provided with regard to hard and soft landscape on the layout. The layout proposes a row of dwelling houses fronting onto Dunford Road, with the remainder of the dwellings located off a central estate road leading to cul-de-sacs and private drives. Some of the properties are positioned close to the northern and southern boundaries of the site. A mix of property types are proposed, the majority of which would be two storeys in scale, and a mix of materials are proposed, to include natural stone to all plots fronting onto Dunford Road and at the site entrance, and artificial stone and render.
- 10.19 The dwellings in the south-eastern corner of the site are considered to be cramped in their layout and the applicant has been asked to omit plot 37 and increase the spacing between dwellings. The applicant was also asked to re-consider the proposed boundary treatment and propose mitigative planting as part of the wider layer. Amended plans are awaited and this matter will be reported within the update. To preserve the character of the village, and taking into account the prominence of the site, it is considered the use of render and artificial stone is unacceptable and it will be conditioned that the dwellings are constructed of natural stone.
- 10.20 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”. It is proposed to form an access to serve the development directly opposite the grade II listed Methodist Chapel and Sunday School. The proposal would also introduce built development along the Dunford Road frontage opposite the listed buildings. It is considered however the proposal would not adversely impact upon the architectural significance of the adjacent Grade II listed buildings.
- 10.21 UDP Policy BE23 states that new developments should incorporate crime prevention measures to achieve pedestrian safety on footpaths; natural surveillance of public spaces; and secure locations for parking areas. The NPPF states that planning should promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. This consideration relates equally to the impact of the development on existing residents and the future amenity of users of the application site. The West Yorkshire Police Liaison officer raises no objections to the proposal.

### **Residential Amenity:**

10.22 UDP Policy D2 requires the effect on residential amenity to be considered and policy BE12 sets out the normally recommended minimum distances between habitable and non-habitable room windows of existing and proposed dwellings. The nearest neighbouring properties to the site which would be affected by the development include No's 351 and 353 to the south of the site, No's 325 and 327 to the north of the site and properties directly opposite the site off Dunford Road, Abbey Close and Hopfield Court.

10.23 The proposed relationships with neighbouring properties are as follows:

- A distance of 32 metres from the rear of plots 43-46 to No.351 and No.353 Dunford Road.
- A distance of 16 metres from the gable of Plot 51 to No.351 Dunford Road
- A distance of 37 metres from Plot 1 to No's 325 and 327
- A distance of over 50 metres from plot 1 to 462 Dunford Road
- A distance of 55 metres from plots 3 and 4 to No.5 Hopfield Court
- A distance of 21 metres from plot 54 to No.2 Abbey Close
- A distance of over 30 metres from plots 51 and 52 to No.1 Abbey Close

The proposal will meet the requirements of policy BE12 in respect of the distances to neighbouring properties.

10.24 The principal outlook of No's 351 and 353 is to the east of the site. There would be a distance of over 22 metres to the boundary of the development site and an additional distance of 10 metres to the rear elevations of plots 43 and 46. There would be loss of views available to these properties and some impact on outlook. Taking into account the distance between the properties however it is considered that there not be an undue impact on these properties.

10.25 The proposal would not have a detrimental impact on the amenity of neighbouring properties and would accord with policies D2 and BE12 of the UDP.

### **Highway Safety Matters:**

10.26 Policy T10 of the UDP sets out the matters against which new development will be assessed in terms of highway safety.

10.27 The proposed vehicular access provides for a carriageway width of 5.5m with 6m kerb radii. A 2m wide footway is also proposed adjacent to the carriageway and across the site frontage. Vehicular visibility splays of 2.4m x 120m have been shown by the applicants which is achievable at the site access. The internal layout is considered acceptable and provides sufficient off-street parking and internal turning for a large refuse vehicle. The trip rates obtained are considered sufficiently robust and would predict circa 47 two-way trips during the AM peak and 50 two-way trips during the PM peak. A Stage 1 Road Safety Audit and associated swept path analysis vehicle tracking have been provided and are considered acceptable.

10.28 These proposals are considered acceptable and highways have no wish to object to the granting of planning permission subject to the imposition of conditions. Highways DM also recommend that the developer contributes towards sustainable travel incentives to encourage the use of public transport and other sustainable travel modes through a sustainable travel fund. The fund could be used to purchase discounted MetroCards for all or part of the site. Other uses could include personalised travel planning, car club use, cycle purchase schemes, car sharing promotion, walking / cycling promotion and or further infrastructure enhancements. The payment schedule, mechanism and administration of the fund and RMC scheme would be agreed with KCC and WYCA and detailed in a planning condition or S106 agreement. The contribution appropriate for this development would be £31,762.50

### **Ecology Matters:**

10.29 UDP Policy EP11 requires that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. Policy PLP 30 of the KPDLP states the Council will seek to protect and enhance the biodiversity and geodiversity of Kirklees, including the range of international, national and locally designed wildlife and geological sites, Habitats and Species of Principal Importance and the Kirklees Wildlife Habitat Network.

10.30 The application site is located within proximity to the South Pennine Moors Special Protection Area (SPA) which is designated for internationally important populations of birds. Any land outside of the SPA boundary that is used for foraging by individual birds breeding within the SPA should be considered functionally linked to the SPA. Golden plover in particular will utilise agriculturally improved grassland and females regularly fly in excess of 6 km from nest to feed. Males forage exclusively at night during the breeding season and fly up to approximately 2.5km from the nest site.

10.31 The applicant is required to provide evidence to demonstrate that the proposal would not result in a likely significant effect on the SPA or its qualifying features or lead to an adverse effect on the integrity of the SPA. In order to demonstrate that the proposals will not have an impact on functionally connected land a suite of bird surveys was required during the breeding season to determine whether the site is used for foraging by SPA birds (and therefore considered to be functionally connected to the SPA).

10.32 The application is supported by a Phase I survey and a Golden Plover Survey to ascertain if the site is being used for foraging by the qualifying features of the South Pennine SPA. The survey was undertaken from mid-March to mid-May. Throughout the course of the surveys no Golden Plover, Merlin or short-eared Owl (SPA Qualifying features) or other designated features Dunlin, Twite, Curlew or Kapwing were recorded using the site or wider study area. There are no species recorded within the site or the wider study area that are protected.

10.33 Natural England comments:

*The results of the vantage point surveys indicate that the site is not used by significant numbers of birds which are qualifying species of the SPA, such as golden plover. We therefore do not consider that the proposal is likely to result in the direct loss of land which is functionally linked to the SPA. However, it may result in an increase in recreational visits to the SPA/SAC which is approximately 1km from the development site. Due to the scale of the development, these impacts are not likely to be significant when considered alone.*

*It should also be noted that the development will result in an increase in air traffic movements in the vicinity of the SPA, and consequently an increase in air emissions. This is unlikely to be significant when considered for this project alone.*

*However, we advise that the impacts of increased recreational pressure in combination with other housing proposals in the vicinity are considered as part of the Habitat Regulations Assessment (HRA).*

*The proposed development is located approximately 1km from the Peak District National Park. The applicant has not submitted a Landscape and Visual Impact Assessment. The proposed development has the potential to impact on views from the National Park, and on the landscape character of its setting. We therefore advise that an assessment is carried out in accordance with the Guidelines for Landscape and Visual Assessment, and that you seek the views of the Peak District National Park Authority, as their knowledge of the location and wider landscape setting of the development should help to confirm whether or not it would impact significantly on the special qualities of the National Park.*

10.34 The applicants are producing a Landscape and Visual Impact Assessment that will be assessed and reported to members. The Peak District National Park Authority has also been consulted and their comments will be reported to committee if they are awaited . The council ecologist is undertaking a Habitat Regulations Assessment (HRA), the conclusions of which which will be reported to members within the committee update and will be sent to Natural England for their comments. The HRA will look specifically at three issues

1. Issues are highlighted and need to be considered in the HRA:
2. Impact on land functionally connected to the SPA
3. Increased recreational pressure on SPA/SAC
4. Increased air pollution from vehicles affecting SPA.

10.35 The arboricultural officer raises no objections. There are no trees requiring removal that are protected or could be made the subject of a new order. Would prefer to see detailing landscaping, but happy for this to be conditions. Suggest a condition for a scheme detailing landscaping, tree/shrub planting.

### **Flood Risk and Drainage issues:**

- 10.36 The site is located in flood zone 1. Due to the size of the site however the application is supported by a Flood Risk Assessment. Policy PLP 28 of the KPDLP states the presumption is that Sustainable Drainage Systems (SuDS) will be used.
- 10.37 Kirklees Flood Management support the application. There is no notable flood risk to the site from outside identified by available risk mapping. The proposal is to drain surface water via soakaways and foul water to a public combined sewer. It is noted soakaways have been used on neighbouring small developments and a robust testing process and an analysis of potential re-emergence will be required. It is considered the site has viable safe overland flood routing and the details will be required to be conditioned. Soakaways should be protected in the building phase from siltation, spoil and other potential blockages and a temporary drainage plan can be conditioned. Further soakaway testing will be required to reflect the positioning of soakaways throughout the site and can be conditioned. Highway soakaways are located outside of the red line boundary which will require a robust maintenance and management plan to be agreed.
- 10.38 Yorkshire Water consider the Flood Risk Assessment to be acceptable. Foul water will be discharged to public combined sewer and sub-soil conditions support the use of soakaways, an approach that Yorkshire Water fully endorses. As surface water from the site is not proposed to discharge to the public sewer network, no assessment of the capacity of the public sewers to receive surface water is required. Yorkshire Water raise no objections and recommend a condition that no piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall has been approved. Subject to conditions, drainage matters are addressed.

### **Planning obligations:**

- 10.39 The development triggers the following contributions:

*Affordable Housing* - The Council's Interim Affordable Housing Policy requires that 20% of units are secured as affordable housing. The applicant has offer 12 affordable units which is fully policy compliant. 6 units will be required for rent and 6 intermediate units.

*Public Open Space* - Policy H18 requires 30sqm of Public Open Space per dwelling on development sites in excess of 0.4 hectares. There is no proposed public open space provided on the site and the requirement in line with H18 would be 1770sq.m. As the site falls within the area of the existing play facility at Hade Edge Recreation ground, it would not require its own on site equipped provision in line with the Fields in Trust Guidelines for England. This can be realised in the form of a lump sum off site contribution. A without prejudice off-site lump sum is £256,474.

*Education Contribution* - In line with the requirements of 'Providing for Education Needs Generated by New Housing' (KMC Policy Guidance), the proposed development attracts a contribution towards additional School Places it would generate. In order to satisfy a shortfall in additional school places generated by the development, an education contribution of £250,400 is required.

*Sustainable Travel Fund* - £31,762.50

Jones Homes are in agreement to provide the above. This will be secured by a Section 106 agreement.

**Other Matters:**

- 10.40 In accordance with WYLES Planning Guidance, the development is regarded as a medium development. The threshold for C3 use for medium size development is 50 dwellings. Conditions are required for low emission vehicle charging points in all allocated parking and in 10% of unallocated parking spaces which may be phased with 5% initial provision and the remainder at an agreed trigger level. A low emission travel plan is also required.
- 10.41 The application is supported by a Phase 1 Geoenvironmental Risk Assessment and Phase 2 Ground Investigation. Environmental Services agree with the conclusion of the Phase I/II report. No further site investigation is required at this time. However, as no contamination land investigation can eliminate all risk of unexpected contamination being found, it is appropriate to include a condition for the reporting of any unexpected contamination.

**Representations:**

- 10.42 61 letters of objection have been received. In so far as the concerns raised have not been addressed above:
- 10.43 Kirklees has rejected a single dwelling in Hade Edge Ref 2009/91808 on sustainability grounds.  
**Response:** This application pre-dates the introduction of the National Planning Policy Framework (NPPF). One of the aims of the NPPF is to boost significantly the supply of housing. The Council are unable to demonstrate a five year supply which weighs heavily in support of the proposal.
- 10.44 The development is contrary to the need to move towards a lower energy and carbon footprint future. Supporting calculations have been provided.  
**Response:** The HEFF have submitted energy footprint calculations and weather station data which concludes it is more efficient to build houses away from locations like Hade Edge. This is a matter however which is only affordable limited weight in the assessment of the application.

- 10.45 HEFF have submitted a document entitled 'MAGIC software – HRA assessment – Quantech Systems'.
- Response:** The document has been prepared by a software company with no specialist knowledge of the subject of ecological assessment and relies entirely on data extracted from the MAGIC website. The MAGIC website is administered by Natural England and is a useful tool for ecologists. The report is undated, however, it appears to have been produced prior to publication of the Kirklees Local Plan Publication Draft Habitat Regulations Assessment. The purpose of the report appears to be to highlight information that demonstrates the potential for ecological impacts as a result of the proposed development at Hade Edge. Further information has been requested by KC to inform the project level HRA, which will be completed following the receipt of comments from Natural England. The ecologist is satisfied that, with the exception of the potential for impacts to European protected sites that is to be considered separately, the ecological information submitted by the applicant is sufficient to determine that the proposals will not result in a significant ecological impact. The document submitted by HEFF does not include information that would alter the conclusions of the other report.
- 10.46 The layout raises concern that the scheme could be extended onto land either side. This application could increase the size of the village by around 35%, by incorporating adjoining land, the village could double in size – this is completely disproportionate for a small village with its current level of services and infrastructure.
- Response:** The site is part of a wider allocation of Provisional Open Land on the Unitary Development Plan. With the exception of this site however the others areas of Provisional open Land are proposed to be allocated as safeguarded land in the Kirklees Publication Draft Local Plan. Notwithstanding this every application has to be considered on its own merits.
- 10.47 Concern the proposal will have a serious impact on the operation of the Turkey Farm.
- Response:** Environmental Services have considered this matter but due to the distance of the proposed development to the Turkey Farm do not consider the proposal would have any detrimental impact on future residents. The viability of the Turkey Farm would therefore be unaffected.
- 10.48 The local village school is at full capacity, there are no vacancies and it is operating at full numbers. The school infrastructure in Hade Edge and the surrounding schools will not cope.
- Response:** In line with the requirements of 'Providing for Education Needs Generated by New Housing' (KMC Policy Guidance), the proposed development attracts a contribution towards additional School Places it would generate. In order to satisfy a shortfall in additional school places generated by the development, an education contribution of £250,400 is required. The applicant has agreed to pay the full requirement.

- 10.49 The residents questionnaire issued by Savill's was not balanced. HEFF have carried out their own community questionnaire. The village questionnaire shows without exception that local residents are opposed to the development.  
**Response:** The HEFF have submitted a copy of a questionnaire they undertook. It concludes "there is a considerable ill-feeling about the style and content of question in the Saville's survey and the possible outcomes' most residents wanted an extra option so they could answer the questions in a more fairly, reasoned and constructive manner". They also note "Far from being an extensive consultation response it was a few heavily weighted questions posed to a small subset of local residents and took no notice of the wider public opinion or views. The comments and the conclusions of the HEFF's own questionnaire are noted.
- 10.50 There is no need for this kind of open market housing development in the village.  
**Response:** The Council cannot demonstrate a five year housing supply. In these circumstances the proposal for housing is given significant weight.
- 10.51 The clean water supply is reliant on pumps at Hade Edge Reservoir. There have been 8 losses of pressure in 999 days.  
**Response:** This matter is noted but it is not a reason to refuse the application.
- 10.52 Holme Valley Parish Council object to the application on the grounds of sustainability and that until the Local Plan is adopted policy D5 is valid and granting approval would contradict Kirklees' current policy. The Parish Council are concern the scale of development is inappropriate in the Green Belt. T  
**Response:** The Council's stance on the principle of development in relation to policy D5 is set out above.
- 10.53 The Holme Valley Parish Council also raise concern about highways/traffic issues – transport and other infrastructure is inadequate, eg. Lack of public transport means property owners would be reliant upon cars and this development along could add 100 additional vehicles. The local roads in this area are already significantly congested and unsuitable for modern traffic use, with narrow roads and a lack of off street parking. Previous consultations by the developer have been dismissive of the views of neighbouring property owners. A development of this scale will swamp the village and change its character irreversibly. The site is functionally linked to a designated site of specific scientific interest (SSSI) as defined by Natural England and protected by law to conserve the site's wildlife and/or geology.  
**Response:** Highways DM have assessed the proposal and can do not object to the scheme subject to conditions and a financial contribution towards a sustainable travel fund to assist in providing incentives to encourage the use of public transport and other sustainable travel modes. Ecology and Landscape issues are addressed in the relevant sections of the report.



## **11.0 CONCLUSION**

- 11.1 The principle of development is accepted on this site by officers that is allocated as a POL site within the UDP providing that the proposals are not found to have an adverse effect on the integrity of the nearby European protected sites. The proposal is considered to represent an appropriate response to the site and its surroundings which has a village setting. The benefits of housing provision weigh heavily in favour of the proposal given the councils lack of a 5 year housing supply and the adverse impacts of the loss of this green field site do not demonstrably outweigh the benefits of developing the site, when considered as a whole along with all other relevant material considerations. The proposal is considered to accord with the Core Planning Principles of the NPPF and would not adversely impact upon the setting of nearby designated heritage assets or prejudice highway safety and officers are satisfied that the site can be adequately drained.
- 11.2 The proposal will secure community benefits in terms of affordable housing, education and an off site contribution towards Hade Edge Recreation ground and a sustainable travel fund will assist in enhancing the use of public transport in the vicinity.
- 11.3 The development complies with relevant local and national planning policies.

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

1. 3 year time limit
2. Development shall be implemented in accordance with the plans
3. Unexpected Land Contamination
4. Construction operations hours
5. Visibility Splays to be provided
6. Areas to be surfaced and drained
7. Internal adoptable roads
8. Footway to be provided
9. Soakaways
10. Overland Flood Routing
11. Temporary Drainage Provision
12. Vehicle Charging Points
13. Low emissions Travel Plan
14. Yorkshire Water- satisfactory outfall
15. Detailed landscaping tree/ shrub planting scheme

### **Background Papers:**

Weblink: <http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f91623>

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

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Originator: Louise Bearcroft

Tel: 01484 221000

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**Report of the Head of Strategic Investment**

**STRATEGIC PLANNING COMMITTEE**

**Date: 10-Aug-2017**

**Subject: Planning Application 2016/91967 Outline application for residential development and convenience store, and provision of open space Land at, Dunford Road, Hade Edge, Holmfirth, HD9 2RT**

**APPLICANT**

Jones Homes (Yorkshire)  
Limited

**DATE VALID**

04-Aug-2016

**TARGET DATE**

03-Nov-2016

**EXTENSION EXPIRY DATE**

30-Jun-2017

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

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

## LOCATION PLAN



Map not to scale – for identification purposes only

### Electoral Wards Affected:

Holme Valley South

Yes

Ward Members consulted

### RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to:

Consult Natural England on the outcome of the Habitat Regulations & Visual Impact Assessment and have regard to their advice (in the event that an objection is received the application will be referred back to Strategic Planning Committee for re-determination)

Await consultation response from Peak Park Authority (in the event that an objection is received the application will be referred back to Strategic Planning Committee for re-determination)

Complete the list of conditions including those contained within this report .

## **1.0 INTRODUCTION:**

1.1 The application seeks outline planning permission for residential development and associated means of access on land at Dunford Road, Hade Edge. The site is allocated as Provisional Open Land on the Kirklees Unitary Development Plan (UDP). The application represents a departure from the Development Plan and under the Councils delegation agreement the application is referred to the Strategic Planning Committee for a decision

## **2.0 SITE AND SURROUNDINGS:**

2.1 The site is approximately 2.5 hectares in size and comprises of open grassed fields located to the east of Dunford Road at Hade Edge. The site is delineated by a stone boundary wall adjacent to Dunford Road and is relatively flat with levels falling gradually to the east.

2.2 The site is located within the village of Hade Edge. Dwellinghouses are located to the west of Dunford Road and to the north of Greave Road, and local facilities include a school, butchers and food hall, public house, band room, and a Methodist chapel and Sunday school. The land to the north, east and south of the site is largely undeveloped with some residential development, and a Turkey Farm.

2.3 The site is part of a wider allocation of Provisional Open Land on the Kirklees UDP proposals Map which extends to the north and south of the application site. The adjacent land to the east is within the green belt.

## **3.0 PROPOSAL:**

3.1 The application seeks outline permission for a residential development and convenience store and the provision of open space. The application seeks to approve details of the point of access only. All other matters (layout, scale, appearance and landscaping) are reserved for subsequent approval.

3.2 The proposed access would be off Dunford Road via a priority junction.

3.3 An indicative layout has been provided which proposes 64 plots and a convenience store fronting onto Dunford Road.

## **4.0 RELEVANT PLANNING HISTORY:**

2017/92202 - Erection of 59 dwellings and associated access – Pending Decision

## **5.0 HISTORY OF NEGOTIATIONS:**

5.1 Officers have negotiated with the applicant to secure:

- The omission of the adjacent green belt land from the red line boundary
- Bird Surveys
- Updated Flood Risk Assessment
- Amended Transport Statement, vehicle Swept Paths and Stage 1 Road Safety Audit
- Details of drainage proposals

## **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 25<sup>th</sup> 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.

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

- 6.2
- D5 – Provisional open land
  - BE1 – Design principles
  - BE2 – Quality of design
  - BE11 – Materials
  - BE12 – Space about buildings
  - T10 – Highway Safety
  - T16 – Pedestrians Safety
  - D2 – Unallocated Land
  - EP11 – Ecological landscaping
  - NE9 – Retention of mature trees
  - G6 – Contaminated Land
  - H1 – Meeting housing needs in the district
  - H10 – Affordable housing
  - H12 – Affordable housing
  - H18 – Public Open Space
  - EP4 – Noise sensitive development
  - EP10 – Energy efficiency
  - EP11 – Integral landscaping scheme to protect / enhance ecology

### Kirklees Draft Local Plan

PLP – Presumption in favour of sustainable development

PL11 – Housing Mix and affordable housing

PLP 24 – Design

PLP25 – Highway safety and access

PLP 28 – Drainage

### Supplementary Planning Guidance / Documents:

#### 6.3 Kirklees Council Interim Affordable Housing Policy

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

### National Planning Guidance:

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

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

- 7.1 The application was initially advertised by neighbour letter, site notice and press notice expiring 9<sup>th</sup> September 2016. 171 objections were received including one from the Hade Edge Fight for the Fields Group (HEFF). The planning concerns raised are summarised as follows:

### **7.2 Principle of Development**

- Hade Edge is an agricultural upland rural village. Industrial brownfield sites should be considered for development before ruining local villages.
- Provisional Open Land is not a default allocation for development for the period beyond the UDP.
- The eastern field of the application site falls within the green belt. Housing development is inappropriate within the green belt.
- On the draft local plan the site is designated "Safeguarded land". Areas identified as such will be protected from development.
- The Kirklees settlement appraisal ranks Hade Edge 52 out of 53 settlements with regard to accessibility to employment, education, health care and town and local centre facilities.
- The location of the application site is not sustainable in transport terms.
- The Inspector at the UDP Inquiry noted expressly that the allocation of the land for housing would be contrary to the principles of sustainability in PPG13.
- The existing amenities are not considered to offer a comprehensive range of essential services and facilities. Walking will not be a viable alternative to the private car for everyday trips.

- The location of the site is not considered to offer a reasonable level of access to public transport. It would not provide a viable alternative mode of travel to the private car.
- Policy T1 of the UDP states that priority will be given to encouraging modal shift away from travel by private car. The proposal is contrary to this policy.
- The area will be tarnished and the increased traffic and fumes will impact on the countryside and wildlife.
- The development would be an unreasonable increase in the size of the village.
- It would lead to the whole of the safeguarded land being developed which would double the size of the village
- The Council should heed the directive to make use of brownfield sites as a priority for house building. Alternative brownfield sites include land off Woodhead Road at Bottoms Mill, Land adjacent to New Mill Road, and Land in Thongsbridge between Holmfirth Garages and Thongsbridge Tennis Club
- A further increase in development would be unsustainable. The site has never been allocated for residential development
- The site is in an unsustainable location in terms of lack of facilities and very poor public transport. The nearest shop is a butchers on Penistone Road, a 20 minute walk away. Other nearest facilities are in Scholes.
- Concern the development would have a high carbon footprint contrary to the principles of sustainable development.
- The proposal does not accord with the Kirklees Sustainability appraisal.
- Farming land and meadow land should be protected.
- The nearest doctor's surgery is in Holmfirth, the nearest hospitals in Barnsley and Huddersfield.
- The provision of Metro Cards does not guarantee the use of public transport.
- Kirklees rejected a single dwelling in Hade Edge on sustainability grounds Ref 2009/62/91808/W1.

### 7.3 Highway Safety

- Concern about the impact on Dunford Road from additional traffic.
- Concern there is no proper technical assessment of trip distribution and assignment in the TA. The application does not comply with local or national transport planning policy.
- Dunford Road is narrow due to parked cars. Busses and lorries cannot pass. In winter conditions people park along Dunford Road.
- Transport links to the main highways are poor. An increase in traffic will make the village a dangerous place.
- Concern about the impact on children walking to school.
- There have been numerous road traffic accidents around the junctions between Greave Road and Dunford or Penistone Road.
- The public transport service to and from the village is poor and infrequent.
- The siting of the access roads would be a detriment to road users and pedestrians and create a safety concern outside the Methodist Church and cemetery gates.
- The proposal will cause havoc on the overstretched minor highway arterial network.



#### 7.4 **Impact on the Character of the area**

- The site falls within the Kirklees District Landscape Character Assessment (KDLCA) and the Peak District Landscape Character Assessment (PDLCA). The proposed development would result in substantial adverse effects upon many of the defining characteristics at the local level and would result in harm to the landscape character area.
- The proposed development would be a clearly visible, prominent and uncharacteristic extension to Hade Edge.
- The site makes an important contribution to the 'flow of landscape character across and beyond the national park boundary'
- The D&A illustrates housing stock which is entirely at odds with the local vernacular.
- Infilling this open land would result in the loss of this attractive landscaping setting and replace it with views of modern houses in a suburban housing estate.
- The application would result in harm to the character of the landscape, harming the cultural character of the area and be in conflict with the adopted landscape strategy for the Peal District National Park.
- The development would result in harm to open views from publically accessible points within the National Park and to views from Hade Edge to the National Park.
- The site should be considered as a 'valued landscape' in terms of paragraph 109 of the NPPF and warrants protection.
- The application would destroy the setting of the Grade II listed Methodist Church. Part of its significance is that it retains a rural outlook.
- The scale of the project will change the visual impact of the area for residents and visitors. Tourism is an essential part of the local economy
- The density of houses in no way reflects the density of the existing housing
- The retail unit will be an eyesore
- Concern the proposal will swamp the village. 66 houses are being shoehorned into an area that is occupied by 23 or 24 houses on the other side of Dunford Road.
- Ancient field boundaries will be destroyed.

#### 7.5 **Ecological Matters**

- The Council cannot determine the application until an appropriate assessment under the Habitat Regulations has been undertaken. There is insufficient information to judge whether the likelihood of significant effects can be ruled out, particularly in regard to the use of the site by South Pennine Moors Phase 1 SPA Birds.
- Hade Edge sits on the boundary of the internationally important South Pennine Moors SPA Phase 2 which is a moorland and moorland fringe habitat protected under EC law. There are a very high number of species living within 1km of the proposed development.
- Much of the area (South Pennines Moors) is already facing severe pressure from human activity which may be exacerbated by further development.
- The current fields are used by summer maternity roosting bats. They also support birds and local mammalian wildlife.
- The site is adjacent to two sites of Special Scientific Interest.

- The Ecological Survey was conducted in January when bats are dormant.
- Concern about the impact on ground nesting birds

#### 7.6 **Drainage Matters**

- Concern about the resultant surface water. The drains are already full and have to be pumped out.
- Any further development will put increased pressure on foul drainage and surface water disposal.
- There will be an increased risk of flooding of Penistone Road, as the water will enter the local watercourse close to the highway.

#### 7.7 **Residential Amenity**

- Concern about the impact due to the proximity to a Turkey and Poultry Farm. This is a source of noise and gives rise to the potential for conflict and disturbance.
- Concern about overlooking and overshadowing to White Abbey Farm, 351 Dunford Road.

#### 7.8 **Other Matters**

- The retail unit with the scheme is intended to provide some compensation for the poor sustainability credentials of the site. The store is too small to be viable. Little weight can be attached to the shop as a beneficial part of the proposal.
- It would be a detriment to the Junior and Infant school that are struggling for spaces for local children. Transport to Holmfirth High School would additionally add a costly overhead.
- Concern how the primary school would cope
- All amenities require car journeys
- Concern about emissions from traffic.
- Existing services are substandard and stretched beyond capacity. Broadband capacity is not existent at peak times Alternative brownfield sites in other Holme Valley locations would be preferable from a services aspect.
- There is no need for this kind of open market housing development in the village. The highest priority in the Kirklees area is for 1 and 2 bedroom affordable starter homes.
- The surface drainage feeds into Bowshaw Whams reservoir. 66 gardens using pesticide and fertiliser would increase the pollution hazard.
- There are a number of discrepancies on the application form.
- Frequent interruptions to electric and water supply.
- Concern about the ruination of three farms

- 7.9 The additional information submitted by the end of 2016 was advertised by neighbour letter expiring 25<sup>th</sup> January 2017. This period of publicity was undertaken due to the length of time the ecological surveys would take to be submitted, to allow residents an opportunity to comments on other matters. 21 further objections were received.

The main comments made were that they reserved the right to make comment on the scheme when the ecological surveys had been submitted.

7.10 The additional ecological information was re-advertised by neighbour letter on 30<sup>th</sup> May with the publicity period expiring 13<sup>th</sup> June. As a result of this publicity 42 further objections have been received. No additional concerns in addition to those already noted above have been received.

7.11 **Holme Valley Parish Council** – Object to the application on the following grounds:

- 1) Detrimental impact on rural community
- 2) Lack of infrastructure, sewerage and public transport.
- 3) Highways issues, access and insufficient onsite parking, not alternative parking on Dunford Road or Sheffield Road which are already congested and could not cope with the additional vehicles generated from this proposed development.
- 4) Development not sustainable in this location and this site should be retained as safeguarded land; there are more appropriate sites which should be developed first.
- 5) Over-intensification within the rural Greenfield site
- 6) Hade Edge is more suitable for organic growth and would support a smaller, better mix of housing (including more one or two bedroom properties, affordable housing, and properties for first time buyers and the elderly).

## 8.0 **CONSULTATION RESPONSES:**

### 8.1 **Statutory:**

**K.C Highways Development Management** – No objections

**Yorkshire Water** – No objections

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

**Natural England** – No objections advice given, further comments upon HRA awaited.

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

**K.C Environmental Services** – No objection

**K.C Arboricultural Officer** - No objections

**K.C Conservation & Design** – No objections to the principle of development, a revised layout scheme would be required.

**K.C Ecology** – Awaiting comments upon HRA

**K.C Strategic Housing** – The development is eligible for an affordable housing contribution.

**K.C Education** – An education contribution of £280,109 is required.

**K.C Parks & Recreation** – No objections

## 9.0 MAIN ISSUES

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

## 10.0 APPRAISAL

### **Principle of development:**

10.1 The 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).

10.2 The site is allocated as Provisional Open Land (POL) on the Unitary Development Plan. As such the proposal is considered against Policy D5. Policy D5 states that:

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

10.3 The weight that can be given to Policy D5 in determining applications for housing must be assessed in the context of NPPF paragraphs 49 and 215. These indicate that policies regarding housing should not be considered up to date unless the authority can demonstrate a five year supply of housing. The Council is currently unable to demonstrate a five year supply of deliverable housing sites.

- 10.4 Paragraph 14 states that there is a presumption in favour of sustainable development. For 'decision taking' this paragraph goes on to state that this means where relevant policies are out-of-date, planning permission should be granted "*unless any adverse impacts ... would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted*". However, Paragraph 119 of the NPPF makes it clear that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats directive is being considered. Paragraph 119 states: *The presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.* Consequently given the need for a Habitat Regulations Assessment the presumption in favour of sustainable development will not apply in this case and consideration of the merits of the proposal must be weighed against the negatives.
- 10.5 Consideration must be given as to whether the proposal is sustainable development. The NPPF identifies the dimensions of sustainable development as economic, social and environmental (Para.7). It states that these facets are mutually dependent and should not be undertaken in isolation (Para.8). The proposal has been assessed against each role as follows:
- 10.6 The site is located within the village of Hade Edge. The village is within a rural location with a limited public transport service. The closest bus stops are located on Dunford Road and Greave Road and provide services to Penistone and Holmfirth, New Mill, Hepworth, and Huddersfield. Future residents of the development are likely to rely on private transport to access jobs, shops and other services and it is acknowledged that the site is not well served by public transport. There are some local facilities within the village, including a junior and infant school, a butchers and food hall, a band room, recreational area, a public house and a Methodist chapel and Sunday school. Residents would generally have to travel outside of the village however to access health, shops and employment opportunities. The village has a bus service, but is poorly connected in comparison with many other towns and villages in the district. It could be argued that an increase in population could create demand to help generate a degree of voluntary social / community organisation although it is recognised that this would be extremely marginal. Accessibility however is only one aspect of overall sustainability and it is necessary to assess the economic, social and environmental aspects of the proposal.
- 10.7 A proposal for residential development provides economic gains by providing business opportunities for contractors and local suppliers. There will be a social gain through the provision of new housing at a time of general shortage and the scheme will be subject to an affordable housing contribution which is a positive role of the development. The development of a greenfield site represents an environmental loss. However, whilst national policy encourages the use of brownfield land for development it also makes clear that no significant weight can be given to the loss of greenfield sites to housing when there is a national priority to increase housing supply.

- 10.8 In terms of more detailed issues within the site, NPPF paragraph 58 sets out the requirement for developments to “*optimise the potential of the site to accommodate development*”. As this proposal only covers part of the POL site, the proposal would need to demonstrate that it does not prevent the remainder of the POL site being developed. The POL allocation includes land to the north and the south of the site which could be accessed off Dunford Road. Accordingly, the proposal would not prevent the remainder of the POL site being developed.

*Kirklees Publication Draft Local Plan*

- 10.9 The Publication Draft Local Plan (PDLP) was submitted to the Secretary of State on 25<sup>th</sup> April 2017 for examination in public. The site forms a housing allocation (H288a) within the PDLP. Given that the PDLP has now been submitted consideration needs to be given to the weight afforded to the site’s allocation in the PDLP.
- 10.10 The NPPF provides guidance in relation to the weight afforded to emerging local plans, paragraph 216 which states:

*216. From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

- 10.11 The above is further supplemented by guidance in the Planning Practice Guidance (PPG). The PPG states that “*arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:*

- a. *the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood planning; and*

- b. *the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*

10.12 Given the scale of the development when assessed against the wider context of the Local Plan the application could not be deemed to be premature as it is not considered to be central to the delivery of the Local Plan. Whilst Planning Officers do not consider that the application is premature in terms of the KPDLP, it has been confirmed that given the advanced stage at which the Local Plan has progressed considerable weight should be afforded to the policies within the KPDLP. An assessment of the relevant local plan policies is therefore undertaken throughout this report.

#### *The Planning Balance*

10.13 In assessing the planning balance of the application consideration has been given in relation to social, economic and environmental factors. The social and economic benefits the proposal would provide the provision 64 dwellings and would make a significant contribution to the housing land supply. In conclusion the planning judgement on the proposal is that the benefits of housing provision weigh heavily in favour of the proposal and the adverse impacts of the loss of this green field site do not demonstrably outweigh the benefits of developing the site, when considered as a whole along with all other relevant material considerations. The proposal would accord with the Core Planning Principles of the NPPF.

#### **Urban Design, Landscape Impact and Character of the Local Area:**

10.14 The landscape impact of the development and its impact on the character of the local area need to be considered, particularly given the scale of the development relative to the existing village of Hade Edge. The NPPF sets out that advice in relation to design in the core planning principle and paragraphs 56 and 58. These policies are considered appropriate when considering the impact the development would have on the character of the local area.

10.15 The core planning principles in the NPPF provide guidance on design and state that new development should *“always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.”* Paragraph 56 states, *“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”* Paragraph 58 states that decision should aim to ensure that development, establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. These policies are further supported by Policies BE1 and BE2 of the UDP which state that new development should create or retain a sense of local identity and is in keeping with surrounding development in respect of design and layout. Policy PLP24 of the KPDLP states good design should be at the core of all proposals such that the form, scale, layout and details of all development respects and enhances the character of the landscape.

- 10.16 Within the village existing dwellinghouses are predominately two storeys in height and of natural stone construction, with stone boundary walls. There are prominent views of the site from Penistone Road looking west towards Dunford Road. The existing village and the application site are not within a conservation area; however to the west of the site (opposite the proposed access) are the Hade Edge Methodist Chapel and Sunday School which are grade II listed buildings.
- 10.17 A full assessment of the layout, scale, and appearance of the dwellings and the landscaping of the site would be assessed as reserved matters. Officers have concern that the layout submitted is too dense and out of character with Hade Edge. Consideration needs to be given to protecting views in and out of the development, including the important landscape views out of Dunford Road to the east. The development should make use of them and protect them. Further consideration will need to be given to the positioning and orientation of dwellings, and to house types and road hierarchy. The proposed houses need to turn corners, whilst gables on to open land will give a harsh appearance to the edge of the development. Boundary treatments need to be carefully considered throughout the site. There is no delineation of front gardens and it is not clear what the treatment is at the access road entrance. Consideration needs to be given to the internal boundary treatments on corners or leading from corners, and to the relationship between dwellings and Dunford Road. Existing boundary treatments such as stone walls should be used. The access areas between rear gardens also need to be reconsidered as they propose unattractive corridors. There is no design for landscape or planting, screening or adaption of the development into the local landscape to make comment on. Landscaping needs to be included as mitigation and include greening of boundaries/edges to act as screening. Integral planting will help soften the landscape into the locality, and a comprehensive new tree planting will be required, to mitigate for the loss of the existing young scrub trees on site and enhance the tree scape of the wider area. The local character and vernacular of the area needs to be retained within the buildings and in the landscape and must be demonstrated as part of the design process. The proposal also needs to take the opportunity to provide biodiversity and green infrastructure. This would be assessed in any future reserved matters applications.
- 10.18 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”. It is proposed to form an access to serve the development directly opposite the grade II listed Methodist Chapel and Sunday School. The proposal would also introduce built development along the Dunford Road frontage opposite the listed buildings. It is considered however the proposal would not adversely impact upon the architectural significance of the adjacent Grade II listed buildings.



### **Residential Amenity:**

- 10.19 UDP Policy D2 requires the effect on residential amenity to be considered and policy BE12 sets out the normally recommended minimum distances between habitable and non-habitable room windows of existing and proposed dwellings. The nearest neighbouring properties to the site which would be affected by the development include No's 351 and 353 to the south of the site, No's 325 and 327 to the north of the site and properties directly opposite the site off Dunford Road, Abbey Close and Hopfield Court.
- 10.20 It is considered a scheme could be brought forward which would not have a detrimental impact on the residential amenity of occupiers of neighbouring properties.
- 10.21 In respect of future occupiers of the site, the proposed retail unit will be located within new residential properties to three sides. Environmental Services therefore recommend that the use shall not be open outside of the hours of 0800 to 2300 Monday to Sunday. It is also recommended that there shall be no deliveries or dispatches in Sundays or Bank Holidays and that prior to first use, details of all external plant, including predicted noise levels and siting (air conditioning, fridge/freezer coolers/motors) shall be submitted for approval. These matters can be addressed by condition.

### **Highway Safety issues:**

- 10.22 Policy T10 of the UDP sets out the matters against which new development will be assessed in terms of highway safety. Access is proposed via a priority junction to Dunford Road. The geometric design of the access provides for a carriageway width of some 5.5m with 6, kerb radii. A 2m wide footway is proposed adjacent to the carriageway and across the site frontage. In terms of geometric parameters the proposed access is considered acceptable and in line with the required design features.
- 10.23 The application was supported by a Transport Statement (Sanderson Associates May 2016) which the applicants have now updated and contains a Stage 1 Road Safety Audit and associated swept path analysis vehicle tracking. All issues raised by Highways DM have been dealt with and conditions will be attached to any grant of planning permission.

### **Flood Risk & Drainage issues:**

- 10.24 The application site is located with flood zone 1 but due to the size of the site is support by a Flood Risk Assessment (FRA). The proposal is to drain surface water by soakaway, and to drain foul water to a Yorkshire Water combined sewer. There would be 1 domestic soakaway per unit and 2 for the retail unit. Surface water from the roads would also be drained by soakaway.

- 10.25 Yorkshire Water initially requested confirmation on the proposed surface water drainage route, because the local public sewer does not have capacity to accept any surface water. A revised FRA confirms surface water will be discharged to soakaways and ground testing has been undertaken to prove suitability. Yorkshire Water raise no objections to the proposal, subject to the inclusion of appropriate conditions.
- 10.26 Kirklees Flood Management supports the application subject to the indicative layout being labelled as such. They note changes may be required to accommodate highway soakaways in line with Kirklees requirements to adopt the road and early dialogue would be required. Flood routing must be accommodated for the highway drainage system with the general fall on the site being north-west. Indicative soakaways plans should be labelled as such given requirements for stand-off distances from property and road. Four season testing will be required prior to approving the use and design of soakaways. Permitted development rights will need to be removed to avoid encroachment on soakaways and other Suds features from building extensions. Alternative methods of drainage will only be considered with evidence that soakaways are impractical or provide risk. Discharge rates will be dependent on the size of the receiving infrastructure that could be less than a greenfield run off rate. Conditions are recommended and subject to this drainage issues are addressed.

**Ecology:**

- 10.27 UDP Policy EP11 requires that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. Policy PLP 30 of the KPDLP states the Council will seek to protect and enhance the biodiversity and geodiversity of Kirklees, including the range of international, national and locally designed wildlife and geological sites, Habitats and Species of Principal Importance and the Kirklees Wildlife Habitat Network.
- 10.28 The application site is located within proximity to the South Pennine Moors Special Protection Area (SPA) which is designated for internationally important populations of birds. Any land outside of the SPA boundary that is used for foraging by individual birds breeding within the SPA should be considered functionally linked to the SPA. Golden plover in particular will utilise agriculturally improved grassland and females regularly fly in excess of 6 km from nest to feed. Males forage exclusively at night during the breeding season and fly up to approximately 2.5km from the nest site.
- 10.29 The applicant is required to provide evidence to demonstrate that the proposal would not result in a likely significant effect on the SPA or its qualifying features or lead to an adverse effect on the integrity of the SPA. In order to demonstrate that the proposals will not have an impact on functionally connected land a suite of bird surveys was required during the breeding season to determine whether the site is used for foraging by SPA birds (and therefore considered to be functionally connected to the SPA).

10.30 The application is supported by a Phase I survey and a Golden Plover Survey to ascertain if the site is being used for foraging by the qualifying features of the South Pennine SPA. The survey was undertaken from mid-March to mid-May. Throughout the course of the surveys no Golden Plover, Merlin or short-eared Owl (SPA Qualifying features) or other designated features Dunlin, Twite, Curlew or Kapwing were recorded using the site or wider study area. There are no species recorded within the site or the wider study area that are protected.

10.31 Natural England comments:

*The results of the vantage point surveys indicate that the site is not used by significant numbers of birds which are qualifying species of the SPA, such as golden plover. We therefore do not consider that the proposal is likely to result in the direct loss of land which is functionally linked to the SPA. However, it may result in an increase in recreational visits to the SPA/SAC which is approximately 1km from the development site. Due to the scale of the development, these impacts are not likely to be significant when considered alone.*

*It should also be noted that the development will result in an increase in air traffic movements in the vicinity of the SPA, and consequently an increase in air emissions. This is unlikely to be significant when considered for this project alone.*

*However, we advise that the impacts of increased recreational pressure in combination with other housing proposals in the vicinity are considered as part of the Habitat Regulations Assessment (HRA).*

*The proposed development is located approximately 1km from the Peak District National Park. The applicant has not submitted a Landscape and Visual Impact Assessment. The proposed development has the potential to impact on views from the National Park, and on the landscape character of its setting. We therefore advise that an assessment is carried out in accordance with the Guidelines for Landscape and Visual Assessment, and that you seek the views of the Peak District National Park Authority, as their knowledge of the location and wider landscape setting of the development should help to confirm whether or not it would impact significantly on the special qualities of the National Park.*

10.32 The applicants are producing a Landscape and Visual Impact Assessment that will be assessed and reported to members. The Peak District National Park Authority has also been consulted and their comments are awaited. The council ecologist is undertaking a Habitat Regulations Assessment (HRA), the conclusions of which will be reported to members within the committee update and will be sent to Natural England for their comments. The HRA will look specifically at three issues

1. Issues are highlighted and need to be considered in the HRA:
2. Impact on land functionally connected to the SPA
3. Increased recreational pressure on SPA/SAC
4. Increased air pollution from vehicles affecting SPA.

10.33 The arboricultural officer raises no objections. There are no trees requiring removal that are protected or could be made the subject of a new order. Would prefer to see detailing landscaping, but happy for this to be conditions. Suggest a condition for a scheme detailing landscaping, tree/shrub planting

### **Planning Obligations**

10.34 The proposal triggers the following contributions:

10.35 Affordable housing – The Council's Interim Affordable Housing Policy requires that 20% of all units are secured as affordable housing.

10.36 Public Open Space – Policy H18 requires 30sqm of Public Open Space per dwelling on development sites in excess of 0.4 hectares. The initial proposal indemnified an adjoining area of green belt to provide an area of public open space. This area of green belt has now been omitted from the scheme. There is no proposed public open space provided on the site layout and the requirement in line with H18 would be 1920sq.m. As the site falls within the area of the existing play facility at Hade Edge Recreation ground, it is considered this can be realised in the form of a lump sum off site contribution.

10.37 Education – In line with the requirements of 'Providing for Education Needs Generated by New Housing' (KMC Policy Guidance), the proposed development attracts a contribution towards additional School Places it would generate. In order to satisfy a shortfall in additional school places generated by the development, an education contribution of £280,109 is required based on the indicative layout.

10.38 Sustainable Travel Fund £31,762.50

10.39 In light of the concerns raised about the density of development the number of units which may be acceptable on this site are likely to reduce. The above contributions for affordable housing, public open space and education will therefore be addressed by condition.

### **Other Matters:**

10.40 The site is not recorded as potentially contaminated. However, it is for a large residential site and it is recommended that a Phase I Report be submitted. This can be addressed by condition.

- 10.41 In accordance with WLYES Planning guidance this development would be regarded as a medium development. Low emission vehicle charging points would be required in all allocated parking and in 10% of unallocated parking spaces which may be phased with a 5% initial provision and the remainder at an agreed trigger level. A low emission travel plan will also be required. These matters can be addressed by condition.

### **Representations**

- 10.42 28 representations were received. In so far as they have not been addressed above:
- 10.43 The section of Dunford Road that passes through Hade Edge is only paved on one side; the extra traffic therefore poses a danger to pedestrians who will be walking on the only narrow path available to them. Given there will be a much increased volume of traffic turning right into Hade Edge at the top of Dunford Road, there is an increased chance of traffic accidents. The turning is at the top of a blind hill along country roads and forward visibility is poor.  
**Response-** Highways DM have assessed the application and do not object to the proposal
- 10.44 Gas pressure in Hade Edge is poor. Residents living at the top of the village already find it hard to use heating and hot water at peak times in winter as the Gas supply cannot cope with the number of residents already in the village.  
**Response-** Services such as gas, electric and water are the responsibility of the utility companies to ensure a adequate supply at all times.
- 10.45 It would be to the detriment of the infant and junior school that are already struggling for spaces for local children to add this many houses to a small village.  
**Response:** The proposal will attract a contribution towards additional School Places it would generate. This will be addressed by condition.
- 10.46 There is no need for this kind of open market housing development in the village.  
**Response:** The Council cannot demonstrate a five year housing supply. In these circumstances the proposal for housing is given significant weight.

### **11.0 CONCLUSION**

- 11.1 The principle of development is accepted by officers, on this site that is allocated as a POL site within the UDP providing that the proposals are not found to have an adverse effect on the integrity of the nearby European protected sites. The proposal inclusive of the vehicular access is considered to be acceptable, the benefits of housing provision weigh heavily in favour of the proposal given the councils lack of a 5 year housing supply and the adverse impacts of the loss of this green field POL site do not demonstrably outweigh the benefits of developing the site, when considered as a whole along with all other relevant material considerations. The proposal is

considered to accord with the Core Planning Principles of the NPPF and would not adversely impact upon highway safety, furthermore officers are satisfied that the site can be adequately drained.

11.2 The proposal will secure community benefits in terms of affordable housing, education and an off-site contribution towards Hade Edge Recreation ground and a sustainable travel fund will assist in enhancing the use of public transport in the vicinity.

11.3 The development complies with relevant local and national planning policies

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

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

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 Highways conditions
- 6-10 Contaminated Land
- 11-Noise
- 12 Soakaways
- 13 Overland Flood Routing
- 14 Education
- 15 Public Open Space
- 16 Affordable Housing

**Background Papers:**

*Planning application:*



Originator: Louise Bearcroft

Tel: 01484 221000

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**Report of the Head of Strategic Investment**

**STRATEGIC PLANNING COMMITTEE**

**Date: 10-Aug-2017**

**Subject: Planning Application 2016/92702 Erection of training facility building with ancillary sports areas and demolition of existing pavilion Woodfield Park Sports and Social Club, Meltham Road, Lockwood, Huddersfield, HD4 7BG**

**APPLICANT**

Huddersfield Sporting  
Pride Ltd

**DATE VALID**

30-Dec-2016

**TARGET DATE**

31-Mar-2017

**EXTENSION EXPIRY DATE**

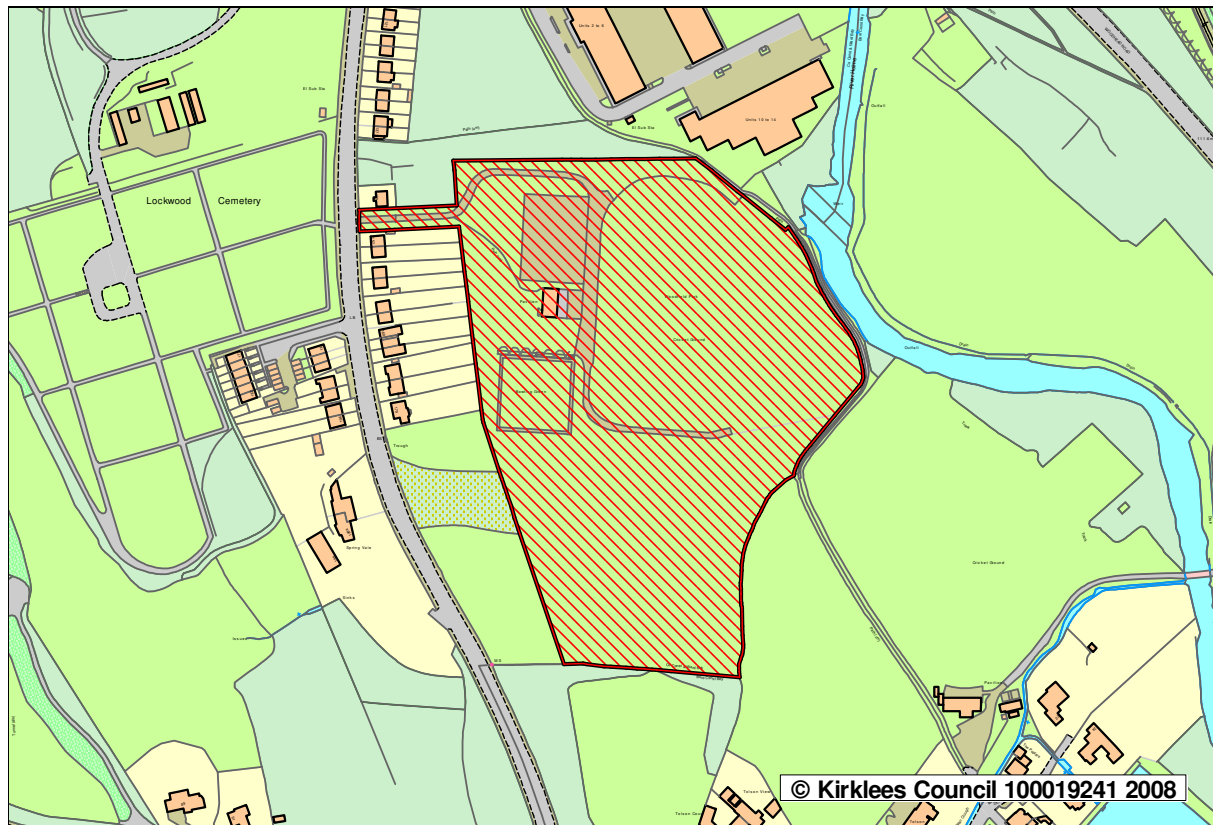
05-May-2017

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

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

## LOCATION PLAN



Map not to scale – for identification purposes only

**Electoral Wards Affected:** Crosland Moor and Netherton

Y

Ward Members consulted  
(referred to in report)

**RECOMMENDATION: Conditional Full Permission**

DELEGATE approval to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report (and any added by the Committee)



## **1.0 INTRODUCTION:**

- 1.1 The application seeks permission for the erection of a training facility, and the creation of outdoor sports pitches, at the former Woodfield Park Sports and Social Club off Meltham Road at Lockwood. The proposed facilities are for use by professional rugby league team the Huddersfield Giants and would become the home of the First Team and the Academy. It is also intended that the site would be used by the wider community and local junior teams. The proposal is to erect a two storey training building with ancillary community space, and to create a grassed rugby pitch and a 4G rugby pitch allowing for all year round training.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The site extends to approximately four hectares, and comprises the former Woodfield Park Sports and Social Club which was previously used as a sports and social club for West Yorkshire Police. Access to the site is off Meltham Road via a single width track. Within the site there is a dilapidated (fire damaged) pavilion, a modular building, a garage/store, tennis courts and a former bowling green and cricket ground. The site is relatively flat, however to the rear of the tennis courts is a grassed banking with mature trees, and the access track follows a route around the banking.
- 2.2 The site is located within the Green Belt on the Unitary Development Plan (UDP) Proposals Map. To the west the site backs onto the rear garden areas of residential properties off Meltham Road and to the north is Park Valley Mills. To the east is public right of way HUD/dmmo app198/10 and the River Holme follows a route to the east of the site. Land to the south is undeveloped beyond which is the settlement of Armitage Bridge. The southern and eastern boundary of the application site adjoins the boundary of the Armitage Bridge Conservation Area.

## **3.0 PROPOSAL:**

- 3.1 The application seeks permission for the erection of a training facility building and the creation of outdoor sports pitches. The proposed facilities are for use by professional rugby league team Huddersfield Giants, and will become the home of their First Team and Academy. The site will be used on a daily basis by approximately 50 players and staff and will host home games for the Academy team, with an anticipated 250 person attendance. It is also intended that the site would be used by the wider community and local junior teams.
- 3.2 The proposal is to demolish the dilapidated and fire damaged sports pavilion and erect a two storey building on the site of the former bowling green. The facilities proposed include changing facilities, a gym, weights and training area, a physio treatment room, office and conference facility, and a community / function space. The proposed building would be predominately clad in dark grey construction materials are stonework to the ground floor, and cladding in a dark grey finish. The existing garage building will be utilised for storage of maintenance equipment.

- 3.3 It is proposed to create two outdoor rugby pitches. A grassed rugby pitch is proposed to the south of the building and an all-weather 4G rugby pitch to the east of the building.
- 3.4 Access is proposed off the existing single width track off Meltham Road. It is proposed to create an area of off-street parking between the proposed building and the existing tennis courts which would operate on a one way basis. It is proposed to secure the site with palisade entrance gates.

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

- 4.1 92/02528 – Erection of Groundsman’s Store – Conditional Full Permission

97/92619 – Use of sports and social club pavilion to include caring for children during holidays – Conditional Full Permission

2000/91083 – Erection of temporary portable building for use as dining/kitchen area – Conditional Full Permission

2001/92453 – Outline application for erection of replacement pavilion – Conditional Outline Permission

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

- 5.1 Officers have negotiated with the applicant to secure:

- Revised elevational details for the training facility building to reduce the extent of cladding and to secure a less conspicuous dark grey colour cladding to replace the proposed claret and gold cladding.
- A revised Flood Risk Assessment to take into account the 2016 SFRA for Kirklees.
- A Transport Assessment
- Revisions to the Proposed Access Arrangements

#### **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 25<sup>th</sup> 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.

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

- 6.2 BE1 – Design principles
- BE2 – Quality of design
- T10 – Highway Safety

### Local Plan

- 6.3 PLP1 – Presumption in favour of sustainable development
- PLP 21 – Highway Safety and Access
- PLP 24 – Design
- PLP 27 Flood Risk
- PLP 35 – Historic Environment
- PLP 48 – Community facilities and services
- PLP 50 – Sport and Physical Activity
- PLP 56 – Facilities for outdoor sport, outdoor recreation and cemeteries

### National Planning Guidance:

- 6.4 Chapter 7 – Requiring good design
- Chapter 8 – Promoting Healthy Communities
- Chapter 9 – Protecting Green Belt Land
- Chapter 10 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 11 – Conserving and Enhancing the Natural Environment

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

- 7.1 The application was advertised by neighbour letter, site notice and press notice. The publicity period expired 10<sup>th</sup> February 2017.

Two representations have been received which have raised concerns. The concerns raised are précised below:

- The building appears to be predominantly corrugated steel/cladding. In the winter it will be visible from Armitage Bridge, a conservation area which will influence the look and feel of the village. In the village, buildings are of Yorkshire stone construction. There are steel clad buildings adjacent but out of sight from the village. Consider a traditional construction comprising real stone, or using less club colours. A single uniform colour with a club crest would be more attractive, age better, and be more sympathetic to its surroundings.
- Believe there is a covenant that the park was donated to the police only for this use.
- Concern about noise when 1st team training and the academy or other games possibly during weekends.
- Concern about parking and traffic during games, lighting for training on outdoor pitches and around building or car park.

- Concern the colour of the building will contrast and not be in line with local surroundings.
- Concern about devaluing neighbouring properties.
- The proposal would increase traffic to a level that would not be suitable for the location, and on street parking would increase. Residents struggle with parking on Meltham road when a funeral is being held in the cemetery. If games are played on a weekend or at night with academies the local support and travelling support, circa 250 persons according to the application, this would create an over-spill of vehicles which the proposed car park would not be able to hold.
- If a rugby match is played on a weekend the noise will be excessively loud. Concern this would prevent neighbours using their garden.
- The plans show no external lighting. Light pollution already arises from the business park. The training grounds on Meltham Road light up the valley. Any strong flood lighting would have an impact on residents on the boundary and affect children sleeping.
- The coloured cladding is not in line with the surrounding environment or buildings. Branding is not a requirement if the idea is to be placing the building out of eyesight for the least amount of visual impact.
- The facilities will disrupt peace and views, especially if there is a purple building with 250 people shouting and cheering on a weekend, whilst 100 cars are parked outside neighbouring properties.

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

**K.C Highways** – Advise Conditions

**Sport England** – No objections

**Environment Agency** – No objections

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

**K.C Ecology** – No objections

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

**K.C Arboricultural Officer** – No objections

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

**West Yorkshire Police Architectural Liaison officer** – No objections

**K.C Public Rights of Way** – No objection

## 9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Flood Risk / Drainage issues
- Representations
- Other matters

## 10.0 APPRAISAL

### Principle of development:

- 10.1 The proposed development is to provide a new training facility and outdoor sports pitches for the professional rugby league team Huddersfield Giants. The site is located within the Green Belt on the Kirklees Unitary Development (UDP) Proposals Map. Paragraph 87 of the National Planning Policy Framework (NPPF) states as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 89 states a local planning should regard the construction of new buildings as inappropriate. Exceptions to this include the provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
- 10.2 The proposed grassed and all weather 4G pitches, together with the training facility building are considered to constitute essential facilities for outdoor sport and recreation. The proposed re-development of this existing sports facility is therefore considered to be appropriate development within the Green Belt in accordance with paragraph 89 of the NPPF. This is subject however to the proposal preserving the openness of the Green Belt and not conflicting with the purposes of including land within it.
- 10.3 The proposal is not considered to conflict with the purposes of including land within the green belt which include:
- To check the unrestricted sprawl of large built-up areas
  - To prevent neighbouring towns merging into one another
  - To assist in safeguarding the countryside from encroachment
  - To preserve the setting and special character of historic towns; and
  - To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

- 10.4 The proposed training facility building is greater in scale and massing than the existing pavilion building which it would replace. The new facilities include changing and shower facilities for home games, a gym and physio room, offices/conference facilities and a function / community space. The proposed function space would occupy less than half of the ground floor and would be an ancillary use to the principal use of the building as a training facility for the rugby club. The existing sports site is well screened and the building and parking areas would be clustered together to minimise the footprint of development across the site. The majority of the site would continue to be open with open views across the field retained and therefore for these reasons it is considered the proposed development preserves the openness of the Green Belt.
- 10.5 Paragraph 73 of the NPPF states that access to high quality spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Paragraph 74 states that existing open spaces, sports and recreational buildings and land, including playing fields, should not be built on unless:
- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
  - The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
  - The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

In this case the proposal is for alternative sports and recreation provision, which would bring back into active use this redundant site where there is a clear need for such provision to serve Huddersfield's professional rugby league team.

- 10.6 Sport England raises no objection. They are satisfied that the proposed development meets the exception policy that: the proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use.
- 10.7 The principle of development within this green belt site is considered to be acceptable.

#### Urban Design issues

- 10.8 Policies BE1 and BE2 of the UDP are considerations in relation to design, materials and layout. The application site is relatively well screened, due to its position below the highway and the presence of mature trees along its boundaries. The site is however visible from the amenity spaces of adjacent residential properties off Meltham Road. Furthermore, the southern and eastern boundaries of the application site abut the boundary of the Armitage Bridge conservation area. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that "in the exercise of (of planning

functions), with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area’.

- 10.9 The proposed building has a functional design and would be constructed of stonework and cladding. Officers have liaised with the agent to amend the design of the building to incorporate more stonework and reduce the extent of cladding. It was also requested that the cladding be dark grey in colour rather than the team colours of claret and gold to minimise the appearance of the building adjacent to the boundary of the Armitage Bridge Conservation Area. Amended Plans have been received which have introduced a higher band of stonework, and which confirm the cladding would be grey in colour. As noted the site is well screened from the conservation area by mature trees and it is considered the building would not have a detrimental impact on the setting of the conservation area or the visual amenities of the area.

#### Residential Amenity

- 10.10 UDP Policy D2 requires the effect on residential amenity to be considered and policy BE12 sets out the normally recommended minimum distances between habitable and non-habitable room windows of existing and proposed dwellings. The nearest neighbouring properties to the site which would be affected by the development include properties off Meltham Road to the west. Due to the topography of the area, these properties are positioned above the level of the sports ground with sloping gardens which overlook the site.
- 10.11 It is intended that the facilities will be used daily by approximately 50 people and as such there will be a level of disturbance to neighbouring properties off Meltham Road that does not currently exist. It is also proposed to host matches for the Academy Team where it is expected that 250 people could be on the site. Environmental Services have concerns in relation to noise from the club affecting the amenity of the residential uses in the area. They recommend the imposition of a condition to secure a noise report which specifies measures to be taken to protect the occupants of nearby noise sensitive premises. Subject to this Environmental Services are satisfied that noise issues would be addressed.
- 10.12 No lighting scheme has been submitted with the application and the agent was asked to confirm if lighting is to be installed on the pitches and / or car park. The agent has requested that this matter be conditioned in line with the condition suggested by Environmental Services. They envisage however that the lighting scheme will include down lights to the parking areas, 6m high floodlights to the 4 g pitch (only used up to 10.00pm if required during winter training) and no lighting on the grass pitch. Security lighting will be required to building and LED lights to the roadways every 20m on both sides. A proposed lighting scheme will be conditioned and the impact on the residential amenity of neighbouring occupiers will be assessed through a discharge of conditions application. Subject to details being secured by condition, this matter is addressed.

10.13 It is considered, that subject to suitable conditions, there proposal would not have a detrimental impact on the residential amenity of neighbouring properties.

#### Highway issues

10.14 Policy T10 of the UDP sets out the matters against which new development will be assessed in terms of highway safety. A transport assessment has been provided that included details of a survey of the existing traffic generation and parking demand undertaken on 29th April 2017. This is used to determine the anticipated peak traffic generation and parking demand for the proposed development site. Kirklees Highway Services assessed the Transport Assessment and noted that access to the existing site is via an existing access/track from Meltham Road leading to the proposed training facility building and associated parking. The proposals include 75 permanent off-street parking spaces are proposed, 4 of which are for disabled parking and a further 84 spaces available within the overflow parking area.

10.15 The first team will train at the site but they will not have professional games at the site. Academy games will be played on a weekend, generally in the early afternoon and will generally be played every other weekend which can be split into:

League games with approximately 100 spectators expected; and  
Cup games with approximately 250 spectators expected.

10.16 Highway Services initially raised concerns due to lack of a Transport Assessment but one was submitted and they now advise that subject to conditions that require the following details the scheme can be supported:

- improvements to the access to achieve greater visibility splays,
- relocation of the existing bus stop
- construction specifications of surfacing, drainage, kerbing
- Safety audit
- Layout 7 parking (including overflow parking)

#### Flood Risk / Drainage issues

10.17 The River Holme flows down the eastern boundary of the site and the site falls within Flood Zones 1, 2 and 3 and 3b (functional flood plain). The application is supported by a Flood Risk Assessment. The site layout has been designed with the building directed towards the lowest risk areas of the site. It is proposed that the finished floor level of the building should be set no lower than 600mm above the 1 in 1000 year level of 81.42mAOD with a 150mm upstand in relation to adjacent ground levels to prevent the ingress of surface water at the buildings interface. The proposed sports pitches are proposed to be set to a level that ensures that there is no positive land raising to ensure that there is no loss of flood storage area in the areas of the site that are shown to be in Flood Zones 2 and 3. The pitches are water compatible therefore no specific measures have been proposed to protect them outside of ensuring a balance in cut and fill.



- 10.18 Kirklees Flood Management raised initial concerns that the FRA failed to take into account the 2016 SFRA for Kirklees which shows a proportion of the site as zone 3b – Functional Floodplain. It was considered the FRA carries only a basic outline of drainage options and submissions should take note of the West Yorkshire Combined Authority SUDS guidance document. Although BGS data suggests infiltration will be problematic on site, a privately managed ground drainage scheme, incorporating water treatment, could be incorporated in this development for buildings and car park areas that would otherwise require an interceptor. The applicant was asked to provide a revised Flood risk assessment,
- 10.19 Kirklees Flood Management have reviewed the revised assessment and can now support the application. The revised Flood Risk Assessment has confirmed that no buildings or raised levels are to be made in the functional floodplain. There remain some outstanding matters as the assessment fails to consider the culvert crossing the site which must be investigated to understand its location and condition. Furthermore, the assessment concludes that there is no formal drainage of current buildings and Flood Management disagree with the run off values produced which should be limited to greenfield discharges should a connection need to be made. They also expect a treatment element to the private drainage system developed for the site. Flood Management consider however that these matters can be adequately addressed by conditions.
- 10.20 The Environment Agency raises no objection. They note the development will only meet the requirements of the NPPF if the development is carried out in accordance with the approved FRA and the mitigation measures. These include that there will be no land raising in flood zone 3, and that the proposed building will be located wholly within flood zone 1. They advise that future occupants sign up to the flood warning service. Subject to conditions, flood matters are addressed.

#### Other Matters

- 10.21 The site falls within the bat alter layer. However, as the building to be demolished is dilapidated, a bat survey is not required in this instance. There are no objections to the proposal subject to ensuring no additional light falls onto areas. The trees on the southern, eastern and western boundaries which are protected by Tree Preservation Orders would be unaffected.
- 10.22 In respect of Air Quality matters the proposal has been assessed in accordance with the West Yorkshire Low Emission Strategy. To mitigate against the development it will be necessary for the developer to provide a low emission travel plan, and to install charging points in 10% of parking spaces, which may be phased with a 5% initial provision and the remainder at an agreed trigger level.

- 10.23 The site is isolated and away from routine surveillance, whilst still being in a very accessible location, adjacent to a major road, providing easy access and egress that criminals could take advantage of. The West Yorkshire Police Liaison Officer notes physical security measures should accord with Secured by Design.
- 10.24 The proposal incorporates ground source heat pumps. The Environment agency regulates open-loop ground source heating and cooling schemes and advise that the applicant contacts them.

### Representations

- 10.25 Two representations have been received. In so far as the concerns raised have not been addressed above:
- 10.26 The building appears to be predominantly corrugated steel/cladding. In the winter it will be visible from Armitage Bridge, a conservation area which will influence the look and feel of the village. In the village, buildings are of Yorkshire stone construction. There are steel clad buildings adjacent but out of sight from the village. Consider a traditional construction comprising real stone, or using less club colours. A single uniform colour with a club crest would be more attractive, age better, and be more sympathetic to its surroundings. Concern the colour of the building will contrast and not be in line with local surroundings / The coloured cladding is not in line with the surrounding environment or buildings. Branding is not a requirement if the idea is to be placing the building out of eyesight for the least amount of visual impact.  
**Response:** Revised plans have been received which show a reduced amount of cladding, to be coloured dark grey with the team colours restricted to the club logo and lettering.
- 10.27 Concern about noise when 1st team training and the academy or other games possibly during weekends / If a rugby match is played on a weekend the noise will be excessively loud. Concern this would prevent neighbours using their garden / The facilities will disrupt peace and views, especially if there is a purple building with 250 people shouting and cheering on a weekend, whilst 100 cars are parked outside neighbouring properties.  
**Response:** There will be a level of disturbance to neighbouring properties off Meltham Road that does not currently exist. Environmental Services raise no objections subject to the imposition of a condition requesting a noise survey which the imposition of a condition to secure a noise report which specifies measures to be taken to protect the occupants of nearby noise sensitive premises.

10.28 Concern about parking and traffic during games / The proposal would increase traffic to a level that would not be suitable for the location, and on street parking would increase. Residents struggle with parking on Meltham road when a funeral is being held in the cemetery. If games are played on a weekend or at night with academies the local support and travelling support, circa 250 persons according to the application, this would create an over-spill of vehicles which the proposed car park would not be able to hold.  
**Response:** Highways have considered the proposal to be acceptable subject to conditions.

10.29 The plans show no external lighting. Light pollution already arises from the business park. The training grounds on Meltham Road light up the valley. Any strong flood lighting would have an impact on residents on the boundary and affect children sleeping / Concern about lighting for training on outdoor pitches and around building or car park  
**Response:** As detailed above a lighting scheme will be conditioned and the impact on neighbouring properties will be assessed through the discharge of this condition.

10.30 Believe there is a covenant that the park was donated to the police only for this use.  
**Response:** This is not a material planning consideration

10.31 Concern about devaluing neighbouring properties  
**Response:** This is not a material planning consideration

## 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.

11.2 The proposed training facility will provide a purpose built facility to serve Huddersfield's professional rugby league team and bring back a redundant sports site back into active use. There would be no detrimental impact on highway safety, flood risk or residential amenity and would not conflict with national policies for development within the Green Belt.

11.3 It is considered that the development would constitute sustainable development and is therefore recommended for approval.

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

1. The development shall commence within 3 years of the date of approval
2. The development shall be completed in accordance with the approved plans
3. Samples of materials shall be inspected prior to the erection of the superstructure of the building
4. There shall be no buildings located, or raising of ground levels, within the functional flood plain
5. Submission of a survey is required of the location, size, depth and condition of the culverted ordinary watercourse
6. A scheme detailing foul, surface water and land drainage.
7. A report specifying the measures to be taken to protect the occupants of nearby noise sensitive premises from noise.
8. A lighting scheme
9. A low emissions travel plan
10. Provision of charging plug in points
11. Access improvements, surfacing, drainage and kerbing
12. Layout and parking details including overflow parking
13. Details of community use and access to the facilities for local teams

**Background Papers:**

Web Link:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f92702>

Certificate of Ownership –Certificate A signed



Originator: Matthew Woodward

Tel: 01484 221000

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## Report of the Head of Strategic Investment

### STRATEGIC PLANNING COMMITTEE

**Date:** 10-Aug-2017

**Subject:** Planning Application 2017/91111 Outline application for erection of industrial development for B1 (business), B2 (general industry), and B8 (storage and distribution) uses Station Road, Bradley, Huddersfield, HD2 1UT

#### APPLICANT

Keyland Developments  
Limited

#### DATE VALID

31-Mar-2017

#### TARGET DATE

30-Jun-2017

#### EXTENSION EXPIRY DATE

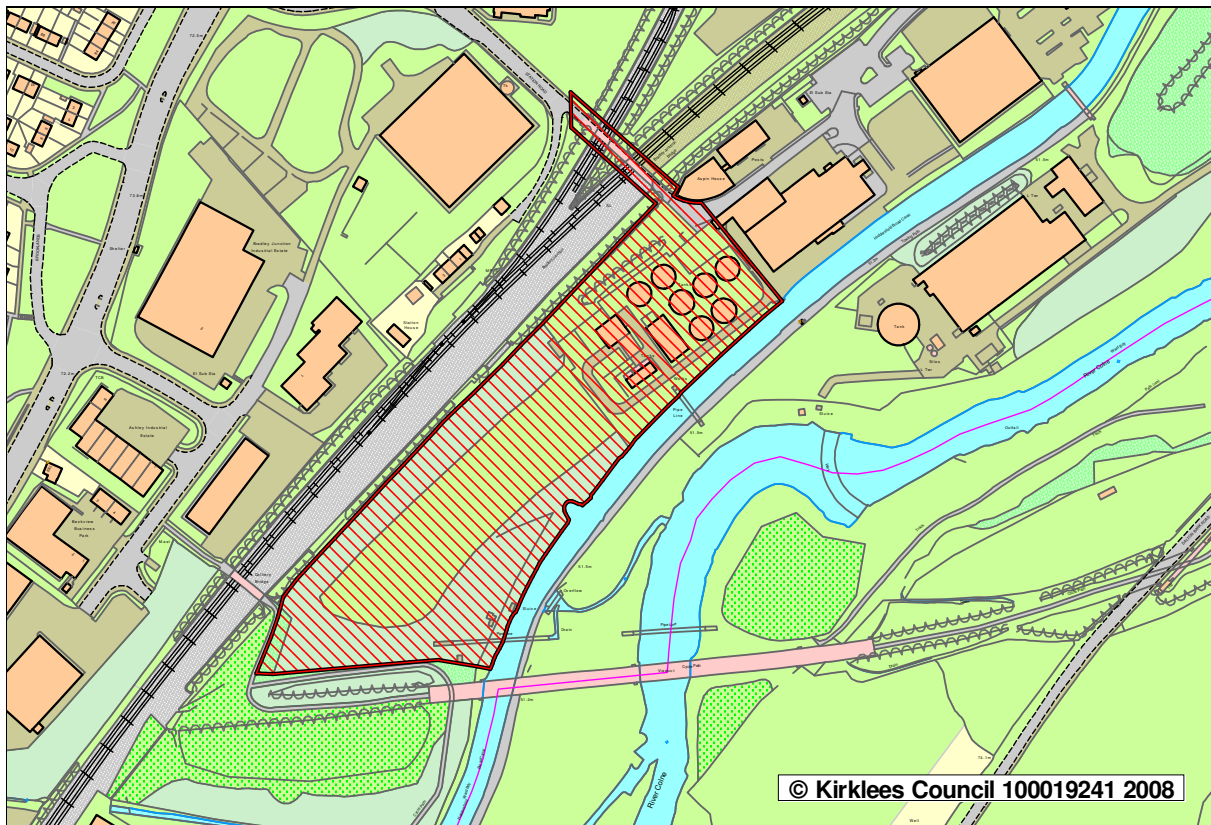
17-Aug-2017

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

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

## LOCATION PLAN



Map not to scale – for identification purposes only

**Electoral Wards Affected:** Ashbrow & Dalton Wards

Y/N

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 referred to Strategic Planning Committee on the basis that it involves non-residential development over 0.5ha in area.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The site is located approximately 4.3km north east of Huddersfield town centre in a predominantly industrial area. Access to the site is via Station Road.
- 2.2 The application site is the former Bradley Waste Water Treatment Works (WWTW) and Depot. The site is located approximately 4.3km to the north east of Huddersfield and is covers an area of approximately 2.4ha.
- 2.3 Access to the property is taken from Station Road which in turn joins the A62 Leeds Road. Station Road sits at a significantly higher level than the application site. The site is accessed via a narrow signalised bridge which crosses the railway and serves a number of other industrial units located to the north east of the site. Surrounding the site to the east is the Huddersfield Broad Canal, to the south is the Calder Valley Greenway and to the west is the main railway line from Huddersfield.
- 2.4 The site boundaries comprise the railway line to the north, Marshalls CDP site to the east, canal to the south and Birkby Bradley / Calder Valley Greenway to the west.
- 2.5 The site comprises a former waste water treatment site, although a large proportion of the site has revegetated. Views of the site are very limited owing largely to the extensive vegetation cover along the site boundary.

## **3.0 PROPOSAL:**

- 3.1 The application is submitted in outline form with all matters reserved except for access.
- 3.2 The application seeks outline consent for the erection of *circa* 3247m<sup>2</sup> of floor space set over 12 different sized units within the B1/B2/B8 use class. The submission indicates that buildings would be a maximum height of 8m to eaves.
- 3.3 Access to the site would be from Leeds Road via Station Road and the existing traffic light controlled bridge. A new entrance and access road with control lights linked to the existing system is proposed.
- 3.4 The indicative scheme shows a total of 55 car parking and 20 cycle spaces provided as part of the development.

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

- 4.1 2012/92990 - Outline application for up to 4720 sq m of floor space for industrial development (B1/B2/B8) – Approved.

#### **5.0 PLANNING POLICY:**

- 5.1 The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).
- 5.2 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).
- 5.3 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.

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

BE1 – Design Principles  
BE2 – Quality of Design  
BE23 – Crime Prevention  
EP6 – Development and Noise  
NE3 - Site of Scientific Interest  
NE9 – Retention of Trees  
T10 – Highway Safety  
T18 – Strategic Pedestrian and Cycle Routes  
T19 – Parking Standards  
G6 – Contaminated Land  
R18 – Canals and Rivers  
D2 – Development on Land without Notation on the UDP Proposals Map

#### *Emerging Local Plan policies:*

PLP1 – Presumption in favour of sustainable development  
PLP3 – Location of New Development  
PLP4 – Providing Infrastructure  
PLP7 – Efficient and effective use of land and buildings  
PLP8 – Safeguarding employment land and premises



PLP19 – Strategic transport infrastructure  
PLP20 – Sustainable Travel  
PLP21 – Highway safety and access  
PLP22 – Parking  
PLP23 – Core walking and cycling network  
PLP24 – Design  
PLP27 – Flood Risk  
PLP28 – Drainage  
PLP30 – Biodiversity and Geodiversity  
PLP31 – Strategic green infrastructure  
PLP32 – Landscape  
PLP33 – Trees  
PLP34 – Conserving and enhancing the water environment  
PLP35 – Historic Environment  
PLP48 – Community facilities and services  
PLP51 – Protection and improvement of local air quality  
PLP52 – Protection and improvement of environmental quality  
PLP53 – Contaminated and unstable land

Supplementary Planning Guidance / Documents:

5.4 West Yorkshire Low Emissions Strategy (2016)

National Planning Guidance:

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

**6.0 PUBLIC/LOCAL RESPONSE:**

6.1 The application has been advertised in the press, by site notice and by neighbour letter as a Major Development. A total of one letter of objection has been received. This can be summarised as follows:

- *The bridge used as access to the site is possibly not suitable to take articulated wagons around 35-40 tonnes. The bridge is only just wide enough for the truck and pedestrian access is limited during the time a wagon is crossing. Someone needs to check with the rail authority reference the bridge weight limits and their limitations as to use. My opinion is there needs to be a better access planned to all the proposed site.*

**7.0 CONSULTATION RESPONSES:**

**7.1 Statutory:**

K.C Highways DM – No objection. Comments elaborated upon in main body of report.

Canal and Rivers Trust – No objection. Comments elaborated upon in many body of report.

Environment Agency – No objection subject to conditions.

K.C Drainage – No objection in principle but further detail needed to accompany layout.

## 7.2 **Non-statutory:**

K.C Environmental Health – No objection subject to conditions.

Network Rail – No objection subject to conditions and informatives.

K.C Ecology and Biodiversity Officer – No objection.

K.C Arboriculturist – No objection subject to planting.

Yorkshire Water – No objection.

## 8.0 **MAIN ISSUES**

Principle of Development  
Design and Visual Impact  
Residential Amenity  
Contaminated Land  
Ecology/Trees  
Highways  
Drainage/Flood Risk

## 9.0 **APPRAISAL**

### Principle of development

- 9.1 The site is without notation on the UDP Proposals Map and currently consists of a former Waste Water Treatment Works. Policy D2 is relevant for applications on land without notation and states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”. All these considerations are addressed later in this assessment.
- 9.2 In addition, the site is allocated as a priority employment area in the emerging Local Plan and there have been no objections have been received to the provisional allocation. Consequently, significant weight is afforded to this provisional allocation given the advanced stage of the Local Plan.
- 9.3 Whilst the site has been previously developed, over time it has become populated by a range of vegetation. Whilst there are remnants and large structures associated with the existing buildings and infrastructure within the north east portion of the site, land to the south west is largely ‘green’,

although historically it appears to have formed part of a spoil heap associated with a former colliery. Consequently, whilst part of the site does appear green and has regenerated, on balance, the proposal is considered to represent development on a brownfield site.

- 9.4 Planning permission was granted in 2012 for a broadly similar development (ref - 2012/92990) and there have been no material change in circumstances since this date, apart from the progression of the Local Plan. One of the core principles of the NPPF is to proactively drive and support sustainable economic development. Given the proposed development does not conflict with the current allocation and complies with the emerging allocation, the principle of development is considered acceptable and in compliance with D2 of the current UDP and PLP8 of the emerging Local Plan.

#### Design and Visual Impact

- 9.5 The design of the development and its impact on amenity is a material consideration. Given that the proposal seeks outline permission with specific design details reserved, a full assessment would be carried out with any subsequent reserved matters submissions. However, a broader assessment in relation to the principle of the development has been considered. This includes crime prevention, residential amenity, land contamination, and the impact of the development on the Huddersfield Broad Canal and Calder Valley Greenway.
- 9.6 It is inevitable that the proposed development would alter the character and appearance of the area to some extent. However, some of the changes proposed would be positive for example, the removal of the existing concrete structures associated with the existing water treatment works.
- 9.7 The indicative layout shows that the units would be sited to take account of the current levels across the site. The proposed access would fall from a height of 61m AOD down to a low point approximately 5m lower. The finished floor levels of buildings would range between 1m and 5m lower than Station Road. From the canal the proposal would incorporate a retaining element as the finished floor levels of the buildings would be at least 6m higher than the water line. Consequently, buildings within the site would be on a slightly lower level than Station Road and whilst they would be readily visible, they would be set in an industrial context.
- 9.8 The impact of the development on the adjacent Huddersfield Broad Canal has been considered, in accordance with policy R18 of the UDP. The proposed development would be set well back from the canal with a mature and well established buffer of vegetation between the site and canal. This vegetation provides a natural screen to the development when viewed from the canal and offers a habitat for fauna and flora. Whilst the height of the buildings relative to the canal means they would be visible from the canal side, landscaping details at reserved matters stage would be considered with a view to ensuring the impact on the canal side environment was reduced as far as possible.

- 9.9 In addition, the Canal and Rivers Trust consider that there is scope within the proposal to improve the layout of the scheme so it has a better relationship with the canal. This would be a matter to consider at reserved matters stage. The proposed development is considered to comply with policy R18 of the UDP in this regard and policies PLP31 and PLP32 of the emerging Local Plan.
- 9.10 The proposed development is potentially acceptable in design and visual impact terms and the current application is considered to comply with policies BE2 of the UDP and PLP24 of the emerging Local Plan.
- 9.11 In respect of crime prevention, historically the industrial units situated alongside the Leeds Road corridor have experienced a variety of crime and anti-social behaviour.
- 9.12 The proposal of opening up a pedestrian / cyclist link to Calder Valley Greenway would make the site more accessible but the consequences for crime affecting businesses has to be considered. However, the applicant has confirmed their intention to ensure a link to the greenway and policy T18 reaffirms the importance of providing suitable links to this route. Crime prevention measures can be fully considered as part of the design which is a reserved matter and there is no reason why potential crime issues cannot be designed out as far as practicable at reserved matters stage.

#### Residential Amenity

- 9.13 The site is located in an area largely populated by industrial uses and lies in close proximity of a railway line. The closest dwellings are a row of cottages which lie to the north west on the opposite side of the railway line at a distance of approximately 50m.
- 9.14 It is considered that the railway line forms a significant barrier between the properties and the application site. However, the application would introduce additional vehicular movements along Station Road and a full assessment of the development in terms of highway safety will be made later in this report. Additional built form would also be introduced into an area which is mainly undeveloped and covered in vegetation, and given that the use is for industrial purposes could lead to a 24 hour operation at the site.
- 9.15 Given that the application is for outline consent, with only details of access submitted, the principle of development and respective impact on neighbouring properties has been considered. Notwithstanding the matters reserved for subsequent approval, the principle of industrial development is considered acceptable on this site when assessed against the amenity of nearby residents. This is due to a separation distance of over 50 metres being achieved between the site and the closest dwelling, and given the activity and background noise levels associated with other industrial uses and the railway line which forms a significant barrier.

- 9.16 Environmental Health has assessed the proposal and raises no objections, subject to the imposition of appropriate conditions. These conditions include the submission of a noise survey which should accompany the reserved matters submission so the impact on the nearest residential properties and appropriate mitigation can be fully considered at detailed planning stage. In these circumstances the proposal is considered to comply with Policy D2 and EP6 of the UDP, PLP24 of the emerging Local Plan and chapter 11 of the NPPF.

#### Contaminated Land

- 9.17 The application has been assessed by Environmental Health and the Environment Agency in relation to previous contamination at the site. The previous use of this site was a waste water treatment works and as such there is the potential for ground contamination. The Environment Agency does not consider the site a priority in relation to risks to ground waters from contaminated land.
- 9.18 The Council's Environmental Health service have also advised that 'standard' contamination conditions should be attached the recommendation for the submission of intrusive site investigation, remediation and validation, as well as unexpected contamination.
- 9.19 The Canal and Rivers Trust have been consulted on the proposal and they consider that the former use of the site as a treatment works should be mentioned in the submitted report in terms of off-site risks. Given the former use, and the likely absence of historic discharge to sewer agreements, it is likely that intrusive investigation planned around this knowledge would be required. The Canal and Rivers Trust also consider that there is the potential that water runoff from the car park that could be contaminated through hydrocarbons from vehicular use. This is especially the case given the nature of the proposed site, where goods vehicle manoeuvring is likely. Additionally oil interceptors are requested to be used to protect the water quality.
- 9.20 Subject to the above conditions, including a revised Phase I contamination report, the proposal would be able to be undertaken without detrimental impact on the future occupiers of the site in relation to contamination, and would comply with Policies G6 and Policies in the NPPF.

#### Ecology/Trees

- 9.21 The site is situated between a railway line and the Huddersfield Broad Canal, both of which are considered to function as wildlife corridors. In addition, these join directly with several other habitat corridors including the River Calder, River Colne and other railways lines within 600m of the site. The site is within the Kirklees Wildlife Habitat Network.

- 9.22 Given the location of the site it is considered likely that a number of bats would use the boundaries (particularly along the canal) for commuting and foraging. However, the submitted ecology report considered that buildings/structures on site had negligible bat roost potential.
- 9.23 The submitted ecology and tree reports consider that a number of trees on the western and eastern boundary are important from an amenity and arboricultural perspective. Consequently, the submitted indicative layout has considered these constraints and the scheme have been designed around them.
- 9.24 The submitted ecology report acknowledges that there are several burrows/holes around the site and that further survey work for badgers is recommended. In addition, updated Otter surveys are recommended.
- 9.25 Final details of the landscaping would be submitted at reserved matters stage. Network Rail has also commented in relation to the species to be used at the site to ensure that any planting has an acceptable impact on the operation of the railway. While it is not considered to be necessary to condition the use of these species, the comments have been forwarded on to the applicant for consideration with a reserved matters application when drawing up a landscaping plan.
- 9.26 In conclusion the proposal is considered to have an acceptable impact on local ecology. The proposal has the potential to provide biodiversity enhancements and the loss of any mature trees would be compensated against via new planting submitted as part of the reserved matters landscaping scheme. The proposal is considered to comply with Policy NE9 and policies in chapter 11 of the NPPF and emerging plan policy PLP30.
- 9.27 Subject to the submission of ecological enhancement measures, the proposed development is considered to represent acceptable development in compliance with emerging local plan policy PLP30 and the NPPF.

#### Highways

- 9.28 The main premise of policy T10 of the Kirklees UDP is to ensure that new development does not create or materially add to highway safety problems and does not generate vehicular movements that cannot be served by the existing highway network.
- 9.29 The NPPF, in paragraph 32, requires that decisions should take account of whether:
- safe and suitable access to the site can be achieved for all people; and;
  - improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development.

Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

- 9.30 In terms of access, the proposed internal access from the highway into the development site would be curved, sloping up from the site by 5m where it meets the corner of Station Road. Highways are satisfied with the point of access and details submitted.
- 9.31 In order to reach the site access it would be necessary to utilise the existing railway bridge which has limited capacity, over which both the application site and wider employment site are reached. The railway bridge has traffic signals at each end to manage one way traffic flows and pedestrian movements. This includes a pedestrian and cyclist stage within the signals. The bridge is not part of the adopted highway and the existing traffic signals are managed by Keyland Development. The carriageway width of the bridge is just 2.5m.
- 9.32 Traffic surveys have been undertaken along the bridge and it was ascertained that approximately 93 two way HGV movements and 400 two way trips comprising all vehicles took place during a typical 24 hour period. It is anticipated that the total number of all two way trips during the AM peak would be 44, and the total number of two way trips during the PM peak would be 40. The proposed development is anticipated to generate approximately 21 HGV movements (two way) within a 12 hour period, or approximately 24 HGV movements in any 24 hour period.
- 9.33 In order to accommodate the proposed site access, amendments are required to the location of the existing traffic signal equipment. It is also proposed to amend the existing traffic signal arrangements in order to accommodate a fourth stage.
- 9.34 It is noted that the objection received raises concerns with the suitability of the bridge to accept the weight of the vehicles proposed. In 2006 the applicant commissioned a report to ascertain the weight limit and any other applicable restrictions concerning the railway bridge. The report concluded that providing the bridge was resurfaced, the bridge would be able to accommodate 40 tonne wagons at no more than an average of 7 HGV's per hour over 24 hours (which would be a total of 168 HGV's). In 2017 the applicant reassessed the bridge and confirmed that it had been re-surfaced.
- 9.35 The proposed development, when combined with vehicular movements associated with existing developments which also utilise the railway bridge, would result in a total of 117 HGV's. This would be less than an average of 7 HGV's per hour over 24 hours. This element of the proposal has been assessed by Highways DM and Network Rail in terms of the proposed signals and the capacity of the bridge to accept the movements associated with the development proposed. No objections are raised.
- 9.36 The application has been considered in respect of the potential impact on the wider highway network and, in particular, the potential impact on the Station Road/A62 junction. The assessment has taken into account the proposed development and other committed developments. The results of this

assessment confirm that the junction would operate within its theoretical capacity limits with no unacceptable queue lengths on average during the AM or PM peaks.

- 9.37 In terms of pedestrian and cyclist movements, the railway bridge is constrained in width and the footway across the bridge is 0.8m wide, with no scope for widening. The existing situation allows pedestrians and cyclists to cross the bridge utilising the traffic signal staging.
- 9.38 The proposed development would alter the position of the traffic signals but, fundamentally, it would not alter the method of crossing the railway bridge. It is accepted that the railway bridge does not offer the most suitable access for pedestrians but the applicant is working with constraints which are largely outside their control.
- 9.39 The proposed development aims to utilise an alternative pedestrian and cycle way by proposing a link with the Calder Valley Greenway. This is likely to involve a pathway which slopes up from the north western corner of the site to the greenway. Overall, based on the mitigation proposed on the railway bridge and acknowledging the benefits associated with the proposed link to the greenway, the proposal is considered to provide acceptable pedestrian links.
- 9.40 In respect of parking, this is a reserved matter but there is sufficient room within the site to ensure that parking spaces are provided in accordance with planning policy.
- 9.41 Highway DM has assessed the proposed development and raises no objections. Planning conditions are proposed to mitigate potential harm. The application is considered to comply with policy T10 of the UDP and emerging Local Plan policies PLP20, PLP21, PLP22 and PLP23.

#### Drainage/Flood Risk

- 9.42 The site lies mainly in Flood Zone 1 with an area of the site being within Flood Zones 2 and 3 to the north/eastern boundary of the site. The application has submitted a Flood Risk Assessment (FRA) with the application which indicates that all the development will be above the flood level. Consequently, there are no objections to the proposal from the Environment Agency. It is also considered that by virtue of the height of the development proposed relative to the flood level, and the fact that the site is allocated as an employment site in the emerging local plan, the sequential test is passed in this case.
- 9.43 In terms of site drainage, the FRA discounts infiltration for geological reasons. The applicant has stated that it is likely that any subsequent scheme is likely to be designed to allow greenfield runoff rates.



- 9.44 Planning Practice Guidance aims to ensure discharge surface runoff is as high up the hierarchy as possible:
- into the ground (infiltration);
  - to a surface water body;
  - to a surface water sewer, highway drain, or another drainage system;
  - to a combined sewer.
- 9.45 The subsequent reserved matters submission will have to regard the hierarchy above. There is potential that any runoff solution may seek to discharge water into the canal or culverts owned and operated by the Canal and Rivers Trust. Consequently, the Canal and Rivers Trust would be consulted on any final drainage scheme that may affect their infrastructure.
- 9.46 The Council's Principal Engineer (Flood Management and Drainage) has no objection in principle to the proposed development. However, there are concerns that pipelines may cross the site and further investigation would be required prior to agreeing a layout. Yorkshire Water has also confirmed that there are various live and abandoned water mains crossing through the site. This may fundamentally affect the indicative layout. Consequently, planning conditions are recommended that require details to be submitted with subsequent reserved matters (layout) in order to ensure that drainage details are satisfied as part of the layout.

## **10.0 CONCLUSION**

- 10.1 The site comprises a partially previously developed parcel of land which is unallocated on the Unitary Development Plan, and allocated as a priority employment area in the emerging Local Plan. It lies within a wider area of employment uses. The proposal would lead to the redevelopment of a brownfield site.
- 10.2 Potential impacts on the highway network have been assessed and found acceptable. The scheme also proposes to provide alternative pedestrian links with the greenway which runs in close proximity of the site. The potential drainage impacts have been considered and, subject to appropriate planning conditions, are considered acceptable in principle.
- 10.3 In terms of design and appearance; it is acknowledged that there would be some impact on the character and appearance of the area, particularly when viewed from the canal side. However, it is considered that a carefully designed scheme with appropriate landscaping could acceptably mitigate potential impacts.
- 10.4 All other matters have been adequately addressed. The proposed development is considered to represent sustainable development and is therefore, recommended for approval subject to the conditions detailed below.

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

- 1. Standard condition outlining all reserved matters to be submitted.**
- 2. Reference to approved plans**
- 3. Reserved matters to be submitted within 3 years and development commenced within 2 years of final reserved matters.**
- 4. Drainage conditions covering details of existing culverts within the site to be submitted with Reserved Matters (Layout).**
- 5. Foul and surface water drainage. To be submitted with Reserved Matters (Layout)**
- 6. Contaminated land conditions including a Phase 1 report**
- 7. Noise report**
- 8. Crime prevention measures**
- 9. Ecological enhancement measures to be incorporated into landscaping**
- 10. Boundary treatments**
- 11. Cycle parking.**
- 12. Demolition method statement.**
- 13. Finished floor levels.**
- 14. Full details of proposed access including sections.**
- 15. Reserved Matters (Layout) to include a link to Calder Valley Greenway.**
- 16. Landscaping scheme shall include trees to be retained**

***Informatives***

The applicant/developer is advised to contact the CRT Works Engineering Team on 01827 252 073 in order to ensure that any necessary consents are obtained and that the works comply with the Trust's "Code of Practice for Works affecting Canal & River Trust".

Altering the channel of ordinary watercourses, including diversions, requires consent of the Lead Local Flood Authority (Kirklees Council Flood Management Department) under Floods and Water Management Act 2010. Diversion of Highway Drainage requires permission of the the Highway Authority (Kirklees Council). Diversion of the public sewer network requires agreement with the Statutory Undertaker (Yorkshire Water) under the Water Industry Act 1991. The latter may include transferred assets under the Private Sewer Transfer Regulations 2011 that are not yet depicted on the statutory record. Diversion of private sewers requires permission from the owners.

**Background Papers:**

Application and history files.

Website link to be inserted here

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



Originator: Matthew Woodward

Tel: 01484 221000

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## Report of the Head of Strategic Investment

### STRATEGIC PLANNING COMMITTEE

**Date:** 10-Aug-2017

**Subject:** Planning Application 2017/91502 Demolition of existing store and erection of extension to manufacturing unit (Part-retrospective) Whiteford Felt and Fillings Ltd, Clough Mill, Grove Street, Longwood, Huddersfield, HD3 4TH

#### APPLICANT

J. D. Edge, Whiteford Felt  
and Fillings Ltd

#### DATE VALID

03-May-2017

#### TARGET DATE

28-Jun-2017

#### EXTENSION EXPIRY DATE

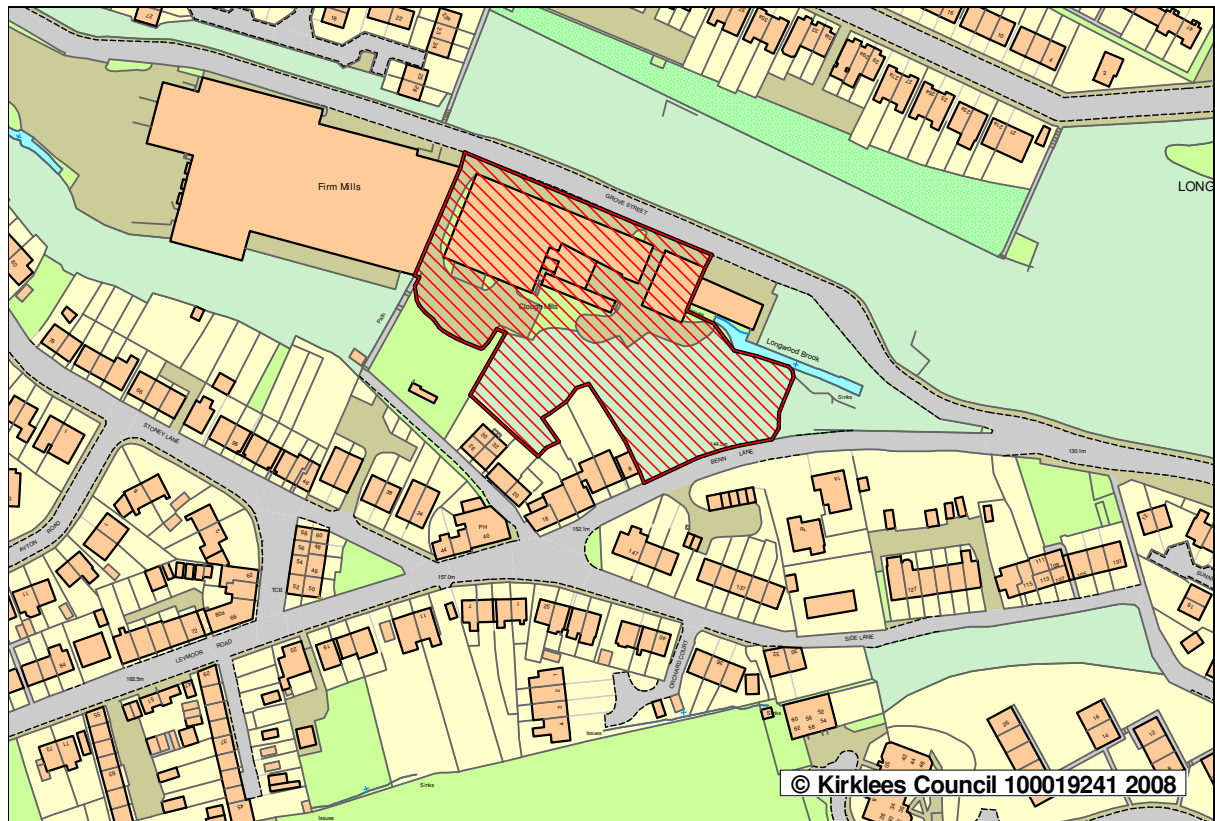
12-Jul-2017

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

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

## LOCATION PLAN



Map not to scale – for identification purposes only

**Electoral Wards Affected:** Golcar

Y/N

Ward Members consulted  
(referred to in report)

### **RECOMMENDATION:**

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

## **1.0 INTRODUCTION:**

- 1.1 Following a site visit it was noted that significant excavation works had taken place in order to facilitate the building works. The proposed development is therefore, part-retrospective in nature. The application is presented to Strategic Planning Committee due to the size of the application site that exceeds 0.5 ha for non-residential development.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 Clough Mills, located off Grove Street at Longwood, houses a manufacturing business which produces felts and fillings. The site comprises of a principal two storey and single storey stone constructed factory building, together with a smaller stone constructed building which both front directly onto Grove Street.
- 2.2 The site is served by three vehicular access points; one either side of the principal factory building and one within the factory building itself. To the rear of the factory is a yard area which is approximately divided into two halves as a result of the topography of the area, with the lower half containing a brick building and the upper half being a hard surfaced area for deliveries.
- 2.3 To the rear of the yard is a steep wooded bank, beyond which are neighbouring residential properties. The surrounding area is mixed use with commercial and residential properties and the site is unallocated on the Unitary Development Plan Proposals Map.

## **3.0 PROPOSAL:**

- 3.1 The application seeks full planning permission to extend the existing manufacturing unit to provide additional facilities. To accommodate the extension, the existing brick building would be demolished.
- 3.2 The proposed extension would be positioned to the rear of the existing building and have a total width of 35m with a height to ridge of 7.7m. The building is to be constructed of brick up to 2m with cladding panels covering the remainder of the building and roof lights/clear panels within the roof space.
- 3.3 In order to facilitate the proposed building, it is proposed to excavate part of the bank to the rear of the site and provide a retaining wall element. This involves the removal of a small number of trees.

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

- 4.1 2001/90382 – Demolition of existing buildings and erection of extension to factory – Conditional Full Permission
- 2001/92153 – Demolition of existing buildings and erection of extension to factory – Conditional Full Permission

2013/93212 – Outline application for extension to manufacturing unit - Approved

## **5.0 PLANNING POLICY:**

- 5.1 The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).
- 5.2 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).
- 5.3 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
- 5.4 The site is unallocated on the UDP proposals map. It is also unallocated within the emerging Local Plan but part of the site, the southern half is designated 'woodland'.

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

#### **5.5 Kirklees Unitary Development Plan:**

D2 – Unallocated Land  
BE1 – Design principles  
BE2 – Quality of design  
T10 – Highway Safety  
EP4 – Noise sensitive development  
NE9 – Retention of mature trees  
B5 – extension to business premises

#### **Kirklees Emerging Local Plan:**

PLP1 – Presumption in favour of Sustainable Development  
PLP3 – Location of New Development  
PLP7 – Efficient and effective use of land and buildings  
PLP8 – Safeguarded Employment Land and Premises  
PLP19 – Strategic Transport Infrastructure  
PLP20 – Sustainable Travel  
PLP21 – Highway Safety and Access

PLP22 – Parking  
PLP24 – Design  
PLP27 – Flood Risk  
PLP28 – Drainage  
PLP30 – Biodiversity and Geodiversity  
PLP33 – Trees  
PLP35 – Historic Environment  
PLP52 – protection and improvement of environmental quality.

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

NPPF – Building a strong competitive economy  
NPPF – Meeting the challenge of climate change, flooding and coastal change  
NPPF – Conserving and Enhancing the Natural Environment

## **6.0 PUBLIC/LOCAL RESPONSE:**

- 6.1 The application was advertised by neighbour letter and site notice. A total of two objections have been received concerning the following issues. The comments are addressed in the report unless otherwise stated:
- This company are cutting down trees beyond the area for which they have planning permission.
  - There are also a couple of points from the application I would like to raise. The first relates to the requirement from the Outline Planning application for the background noise to be 5dB below background noise and details of how noise will be mitigated. As a resident of Benn Lane, we have recently been subjected to the foundation works starting regularly at 7am on a Saturday morning, so any industrial use is likely to be same when the building is fully operational.
  - The agent states that 'The design of the new premises will seek to incorporate, where practicable, standards to satisfy the above criteria' for reducing noise levels. This is a very vague statement and I would like to know how sound insulation will be used. I would also like to see a condition on the application for another noise study to prove that noise levels from the industry are below the 5dB of the background noise.
  - I have also noted that propose to use the existing 11 car parking spaces at the front of the building for new employee parking. As a local resident I would like to highlight these parking spaces are regularly already in use, either by staff or for deliveries. If extra staff are to use these spaces as parking then I fear that many will end up parking on Grove Street or deliveries will be made directly off Grove Street. This could create a dangerous situation with a blind corner at the bottom of Benn Lane not too far away. It could also provide the exact same problem that is evident at Wooltex on Dale Street, since their extension was completed, in that at many times during the day when

deliveries are being made, lorries are parking or blocking Dale Street, restricting traffic flow and causing sightline issues for car drivers trying to pass the obstruction. I would therefore like to see either traffic restrictions introduced along Grove Street to prevent this issue, or additional parking provided.

Officer Response – Highways have assessed the impact of the proposed extension on the wider highway network and raise no objections. There are currently no restrictions on the hours of operation and the proposed extension would not significantly alter the level of employment on the site at any one time.

## **7.0 CONSULTATION RESPONSES:**

### **7.1 Statutory:**

The Environment Agency – No objection. The information submitted in the FRA is considered satisfactory and the Environment Agency no longer objects to the proposed development. The developer may however wish to consider including measures to mitigate the impact of more extreme future flood events. Measures could include raising ground/ finished floor levels and/ or incorporating flood proofing measures.

### **7.2 Non-statutory:**

K.C Highway Services – No objection.

K.C Environmental Services – No objection subject to the imposition of appropriate conditions concerning noise and contamination.

K.C Strategic Drainage – Confirm that the watercourse crossing the site is a watercourse and consultation with the Environment Agency over works over or close to is necessary.

K.C Conservation and Design – No objection.

K.C Ecology – Further detail is required in order to demonstrate how the Kirklees Wildlife Habitat Network should be maintained.

## **8.0 MAIN ISSUES**

- Principle of development
- Impact on Highway Safety
- Visual Impact
- Residential Amenity
- Impact on Ecology/Trees
- Drainage and Flood Risk
- Conclusion



## 9.0 APPRAISAL

### Principle of development

- 9.1 The site is unallocated on the UDP and outline planning permission has previously been granted on this site (ref – 2013/93212). Whilst planning permission 2013/93212 has expired, there has been no significant change in circumstances since planning permission was granted. The site remains unallocated on the emerging Local Plan.
- 9.2 Chapter 1 of the NPPF stipulates that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth and significant weight should be placed on the need to support economic growth through the planning system.
- 9.3 The proposed expansion of the existing factory would support the continuing economic success of Clough Mills as a manufacturing operation, supporting its retention with Kirklees, and would be in compliance with the economic sustainability principle of the NPPF. The proposed development involves development on a brownfield site. The principle of the extension of the factory on the site is considered to be acceptable and potentially a sustainable site for employment generation in line with policy PLP1. Policy B5 of the UDP considers extensions to businesses and states that they will be accepted provided the amenity of neighbouring occupiers, visual amenity and highway safety are safeguarded. These issues are considered below.

### Impact on Highway Safety

- 9.4 UDP policy T10 sets out the matters against which new development will be assessed in terms of highway safety. The applicant has clarified the proposal in respect of parking spaces and deliveries. The site currently has space along the frontage for 11no vehicles, laid out in an informal manner.
- 9.5 The previous planning permission (ref - 2013/93212) considered the impact of the proposed development on the highway network. Highway DM previously noted that when assessed against parking standards the existing business has an existing shortfall in parking provision. Nevertheless, it was considered that the business operated without causing any undue highway safety considerations. There has been no change in circumstances since the previous approval.
- 9.6 In terms of shift patterns associated with the proposed building extension and existing business, there would be 24 hour pattern of 3 shifts for 6 days a week working across the proposed and existing buildings. It is anticipated that the total number of employees on site at any one time would be 11 with an additional 3 managerial jobs. It is noted that not all workers drive to work.
- 9.7 In terms of the impact of goods deliveries, they are dealt with at the lower end of the site and transferred via forklift, from the road and into the premises. Deliveries only take place during typical working hours.

- 9.8 Kirklees Highways DM has assessed the current application and considers that there is sufficient parking proposed by the development in accordance with the submitted plan which demonstrates a proposal for 11 parking spaces. Highways DM have assessed the local highway network in terms of visibility and the manoeuvring of vehicles raise no objection. The proposal is considered to comply with policy T10 of the UDP and policies PLP21 and PLP22 of the emerging Local Plan.

#### Visual Impact

- 9.9 Policies BE1 and BE2 of the Unitary Development Plan (UDP) are considerations in relation to design, materials and layout. Emerging Local Plan policy PLP24 reiterates that good design should be at the core of all proposals.
- 9.10 The proposed extension would be detached from the existing stone constructed factory and the proposed construction materials would be a block work plinth with PVC steel sheeting to the walls and roof. It is considered the appearance of the building with materials which would be practical for their purpose, would on balance be acceptable considering the inconspicuous location of the proposed building behind the principal stone constructed factory. The building would replace the existing brick building, albeit that the proposed building is much larger, and the nearest neighbouring residential properties to the site are located at a significantly higher ground level such that it is considered the proposal would not affect their outlook.
- 9.11 The application is considered to comply with policies BE1 and BE2 of the UDP and emerging Local Plan policy PLP24, subject to conditions requiring full details of proposed materials.

#### Residential Amenity

- 9.12 Policy D2 stipulates that proposals should not impact on the residential amenity of occupiers of neighbouring properties. This is also part of the consideration of Policy B5. It is a core planning principle of the NPPF that a good standard of amenity be secured for existing occupants of land and building. This is reflected in emerging Local Plan policy PLP24. The surrounding area is mixed used with commercial and residential properties and the nearest neighbouring properties to the site are located to the south-east of Benn Lane, to the south off Stoney Lane and Leymoor Road.
- 9.13 Concerns have been raised by a local resident regarding the potential noise from the proposed development, and a lack of detail submitted with the application detailing how noise would be mitigated. Following these concerns, additional consultation was undertaken with Environmental Health following the submission of the noise report which was previously considered as part of application 2013/93212. Having considered the submitted noise report, Environmental Protection recommends the imposition of an appropriate planning condition in order to ensure the noise levels specified in the submitted report will be met.

- 9.14 It is also noted that works have already commenced on excavation and foundation works associated with the proposal. Consequently, the proposed development is part-retrospective in nature. The applicant will be advised that construction works should not take place outside the hours of 0730 and 1830 Monday to Friday and 0800 and 1300 on Saturdays with no works on a Sunday. Noise disturbance from construction works would be assessed under separate, non-planning legislation.
- 9.15 Subject to the imposition of conditions it is considered the development would not have an undue detrimental impact on the amenity of occupiers of nearby residential properties arising from noise disturbance and the proposal would accord with policies D2 and EP4 of the UDP, emerging Local Plan policy PLP52 and para 123 of the NPPF.

#### Impact on Ecology/Trees

- 9.16 The site lies within, and is surrounded by, areas of semi-natural habitat that is identified as part of the Kirklees Wildlife Habitat Network (KWHN). It is noted that planning permission has previously been granted on the same site (ref - 2013/93212) and no objections were raised. In terms of the current application, the Council's ecologist does not consider that the proposed development has adequately assessed the impact on biodiversity interests and that ecological enhancement is required. The proposed extension lies with an area allocated as part of the Kirklees Habitat Network on the emerging Local Plan.
- 9.17 On the basis that the previous outline application was considered acceptable in respect of ecology, it is proposed to attach a planning condition in this instance requiring the submission of ecological enhancement details prior to the occupation of the building in accordance with emerging Local Plan policy PLP30.
- 9.18 In respect of trees, a number of self-seeded trees have been removed to make way for the proposed development. However, these did not hold significant arboricultural value, although they did make a contribution to the Kirklees Wildlife Habitat Network. A condition is recommended regarding landscaping mitigation/compensation in accordance with policy NE9 of the UDP and emerging Local Plan policy PLP33.

#### Drainage and Flood Risk

- 9.19 The NPPF sets out the responsibilities for Local Planning Authorities determining planning applications, including flood risk assessments taking climate change into account and the application of the sequential approach. The site abuts the Longwood Brook and is located within the Environment Agency flood zone 2. A flood risk assessment has been submitted to accompany the application.

- 9.20 The strategic drainage engineer notes that the flood risk assessment includes a drawing showing that the extension is not built over the culverted watercourse crossing the site. The Council's drainage officer has commented that any works carried out near the watercourse would require separate consent from the EA, but raise no objection to the scheme. There are no objections raised by the Environment Agency.
- 9.21 The proposed development is categorised as 'less vulnerable' in the NPPF and is therefore, an appropriate type of development within flood zone 2. It is proposed to incorporate flood resilient measures and SUDs to address any minimal increase in surface water flows.
- 9.22 Subject to conditions flood risk issue would be addressed and the proposal would accord with chapter 10 of the NPPF.
- 9.22 Yorkshire Water noted that no comments are required from them.

## **10.0 CONCLUSION**

- 10.1 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.
- 10.2 Works to facilitate the extension have already impacted on the Kirklees Wildlife Habitat Network. In order to address the loss of trees and potential ecological impacts, conditions are proposed requiring planting and ecological enhancement.
- 10.3 Concerns regarding noise from the proposed extension can be suitably address by a condition requiring additional noise detail to be submitted and, if necessary, additional noise insulation/mitigation measures.
- 10.4 Highways DM have assessed the potential impact on the highway network and raise no objections. A condition is recommended requiring parking spaces to be marked out prior to the occupation of the building.
- 10.5 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, in accordance with PLP1 of the emerging Local Plan and the NPPF and is therefore recommended for approval.

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

1. Approved Plans
2. Approved Flood Risk Assessment
3. Details of materials
4. Noise report to ascertain that noise levels achieved. If not, mitigation required.
5. Unexpected contamination
6. Soft landscaping scheme
7. Ecological enhancement
8. Parking spaces to be provided

**Background Papers:**

Application and history files.

Website link to be inserted here

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

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Originator: Glenn Wakefield

Tel: 01484 221000

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**Report of the Head of Strategic Investment**

**STRATEGIC PLANNING COMMITTEE**

**Date: 10-Aug-2017**

**Subject: Planning Application 2017/90096 Change of use of land for use as scrambler bike track and formation of hard standing for parking and access land adj, New Hey Carrs, New Hey Road, Scammonden, Huddersfield, HD3 3FT**

**APPLICANT**

Pogson Brothers Ltd

**DATE VALID**

11-Jan-2017

**TARGET DATE**

08-Mar-2017

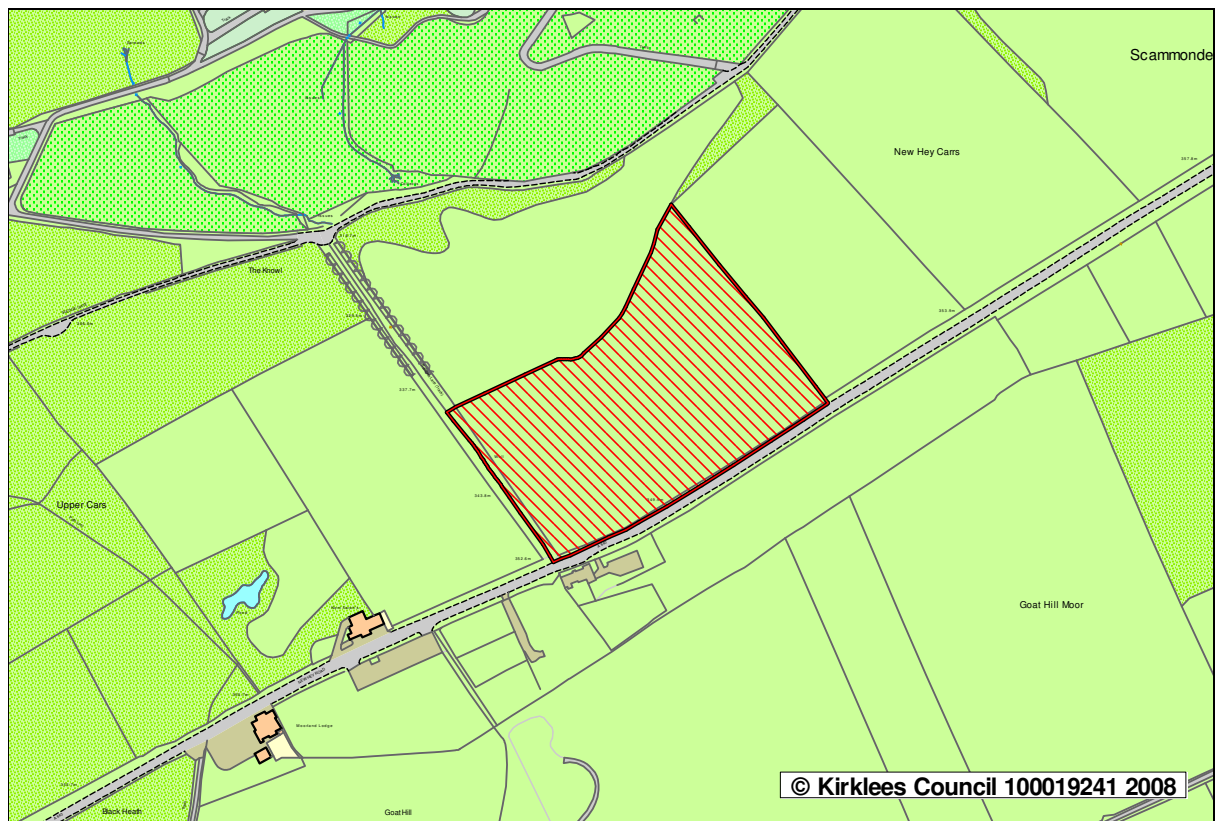
**EXTENSION EXPIRY DATE**

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

## LOCATION PLAN



Map not to scale – for identification purposes only

**Electoral Wards Affected:** Colne Valley

No Ward members notified

**RECOMMENDATION:** Refuse

### 1.0 INTRODUCTION:

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



## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site is located approximately 3 kilometres north west of Slaithwaite town centre on open land off New Hey Road. The application site is a single field which appears to have historically been used as agricultural rough pasture and occupies an area of approximately 3.2 ha. The site is bounded to the south by New Hey Road and to the west by Public Right of Way (PROW) Col/170/10. The area surrounding the site is a combination of sparsely populated open moorland to the north and west and rough/improved pasture to the east and south. The site falls within a wider area which is allocated as Green Belt in the adopted Unitary Development Plan and is close to the South Pennines Special Protection Area (SPA) and Special Area of Conservation (SAC) which is located approximately 1km to the west.

## **3.0 PROPOSAL**

- 3.1 The applicant proposes to change the use of the land to allow organised motorcycle scrambling and the formation of a hard standing area in the south west corner of the site for parking and access.
- 3.2 The applicant has indicated that he proposes to use the site for up to 25 events per year and that these events would operate between 09:00 and 17:00.
- 3.4 Access would be taken directly from New Hey Road onto a hardstanding area measuring approximately 60m x 45m which would be constructed using crushed sandstone.
- 3.5 The applicant has indicated that this proposal would not involve any re-profiling of the land and that all welfare facilities would be provided using mobile plant and equipment which would be removed from site between events.

## **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 None

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 None

## **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 25<sup>th</sup> 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:

EP4 – Noise generating development

EP6 – Existing and projected noise levels

T10 – Highway Safety

R13 – Development affecting public rights of way

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

PLP 21 – Highway safety and access

PLP 30 – Biodiversity and Geodiversity

PLP32 – Landscapes

PLP51 – Protection and improvement of local air quality

PLP52 – Protection and improvement of environmental quality

## 6.4 National Planning Policies:

Section 9 – Protecting green belt land

Section 11 – Conserving and enhancing the natural environment

## 6.5 Other Guidance/legislative considerations

Planning Practice Guidance – Natural Environment

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

7.1 This application was publicised by the erection of site notices in the vicinity of the site the mailing of 6 neighbourhood notification letters and an advertisement in the Huddersfield Examiner. This resulted in 22 representations from members of the public being received with regard to this proposal and the issues raised can be summarised as follows:

- The proposal would be detrimental to highway safety in the area
- Noise resulting from activities at the site would adversely affect nearby residents
- The development would be contrary to Green Belt policy
- The proposed activities would destroy agricultural land
- The proposal would attract ancillary activities such as toilets and food sales etc.
- The enjoyment of users of nearby public rights of way would be adversely affected.
- The proposal would detrimentally impact on the visual amenity of the area and degrade the local landscape
- The local ecology would be adversely affected by this proposal
- Local water courses would become polluted as a result of the proposed activities
- Activities are likely to generate dust during dry periods which will have a negative impact on the local environment and the amenity of the area.

7.2 Cllr Bellamy forwarded an e-mail on 7 February 2017 with regard to this proposal making the following observations:

*“ ...I have some concerns with regards to this application  
 The application site looks close to a public highway is this likely to cause problems there are also many footpaths and livestock in the vicinity is there likely to be an issue with noise, I have also been contacted by several residents in the vicinity who also have concerns with regards to these issues and wildlife,  
 If you are minded to accept this application could I please ask that it is referred to sub planning committee for determination and includes a site visit so members can see the effect it would have on the landscape and surrounding area,  
 My reasons for the request are relationship to wildlife and livestock in the area, and issues with regards to parked vehicles with trailers is the proposed hard standing enough for an event, and is this inappropriate development in the green belt,...”*

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

K C Highways DM – object as insufficient information has been provided to fully assess the impact the development would have on the local highway network

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

K C Environmental Health – object as this proposal would lead to noise nuisance to nearby residents which would result in an unacceptable loss of amenity.

K C Biodiversity Officer – object as insufficient information has been provided to assess the impacts to local ecology and on the nearby South Pennines Special Protection Area

Yorkshire Water – No objection subject to a planning condition which details how the water infrastructure crossing the site would be protected

## **9.0 MAIN ISSUES**

- Principle of development
- Local amenity
- Highway issues
- Drainage issues
- Ecological issues
- Representations
- Other matters

## **10.0 APPRAISAL**

### **10.1 Principle of development**

10.2 The site is located within the Green Belt and it is therefore considered that the key consideration is first whether the proposed development is appropriate development within the Green Belt and second, if not, whether there are any very special circumstances which clearly outweigh the harm that would be caused to the Green Belt by reason of inappropriateness or by any other harm.

10.3 Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence.

10.4 Paragraph 87 of the NPPF confirms that inappropriate development within Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 goes on to say that when considering any planning application, local planning authorities

should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.

- 10.5 Paragraph 89 of the NPPF lists a number of exemptions which are not considered to be inappropriate development and paragraph 90 lists forms of development which can be considered to be appropriate subject to the openness of the Green Belt being preserved and there being no conflict with the purposes of including land within the Green Belt.
- 10.6 However, the development referred to in paragraphs 89 and 90 are specifically defined and changes of use within the Green Belt are not included. Consequently this proposal must therefore be considered to represent inappropriate development and very special circumstances would therefore need to be demonstrated to justify the approval of this application.
- 10.7 The applicant has not provided any details of very special circumstances to support this proposal and as a consequence the principle of this development is unacceptable.
- 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. The site continues to be included in the Green Belt in the emerging Local Plan but has not been allocated for any specific purpose. It is therefore considered that the above assessment with regard to Green Belt policy accords with the emerging local plan.
- 10.9 Local Amenity
- 10.10 The site is located within an area that is predominantly rural in character. However there is a small group of residential uses to the south west, the nearest being approximately 140 m from the site. Further isolated residential properties and farmsteads are located at greater distances to the east of the site (approximately 400m). The site has historically been used for the grazing of livestock and comprises rough and improved pasture. This proposal would introduce an activity which could potentially cause nuisance to residents or other businesses nearby.
- 10.11 The proposal would involve the regular use of motorcycles in an area which has a relatively low noise climate. No supporting information has been provided to indicate how the impacts of noise associated with this proposal would affect the locality or how noise generated could be mitigated. It is therefore considered that this proposal does not accord with UDP policies EP4 and EP6, KPDLP policy PLP52 or 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 rural and is formed principally from rough and improved pasture and open moorland but includes a number of large water bodies, an example being Scammonden water to the north. Consequently the visual amenity of this area is pleasant and has an open and wild character. This proposal therefore has the potential to significantly affect visual amenity in the area.
- 10.13 The site is open and can be seen at distance from the surrounding landscape and organised events such as those proposed in this application would be visible both at close quarters from nearby public rights of way and New Hey Road (A640) and at distance from higher ground to the east and from the other side of the valley from Saddleworth Road (B6114). It is considered that such activities, including the siting of ancillary facilities would be prominent within the landscape and create a discordant feature which would detrimentally affect the visual amenity of the area. It is therefore considered that this proposal would not accord with Policy PLP 32 or Section 9 of the NPPF with regards to its potential impact on the visual amenity of the area.
- 10.14 This proposal would generate dust in dry conditions 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, would result from motorcycles tracking over areas denuded of vegetation and windblown dust from such areas. The applicant has not provided any information to indicate the likely effects associated with dust generation or how the generation of dust would be mitigated against. It is therefore considered that this proposal would not accord with KPDL policies 51 and 52 or with Section 11 of the NPPF.
- 10.15 Highway issues
- 10.16 As previously indicated the site has historically been used for grazing livestock and includes an existing agricultural access off New Hey Road which the applicant proposes to use in connection with this proposal.
- 10.17 Whilst it is likely that the necessary sight lines could be achieved at the junction of the access with New Hey Road, no information has been provided with regard to improvements to the site access or regarding the numbers of people likely to attend the events. Furthermore, only basic information has been provided with regard to the construction of the proposed parking area.
- 10.18 PROW Col/170/10 forms part of the application site and is immediately adjacent to the proposed access and parking area. The applicant has provided no information as to how pedestrians using the access would be protected from the development and the experience of users of this route would be diminished during the proposed organised events.
- 10.19 It is considered that insufficient information has been provided to fully assess the affect this development would have on the local highway network and as a consequence this proposal would not accord with UDP policy R13, T10 and KPDL policy PLP21.

#### 10.20 Drainage and flood risk issues

- 10.21 The application site is located in Flood Zone 1 and is therefore at low risk of a flooding event. The site is currently in agricultural use and therefore existing drainage facilities are likely to involve drainage dykes and natural water courses which drain towards Scammonden Water to the north. Records also indicate that highways drainage measures cross the site and discharge into an open water course on the northern boundary of the site.
- 10.22 The proposed activity has the potential to affect drainage regimes in the vicinity of the site by increased run off and subsequent sedimentation of drainage systems. However, the applicant has not provided any information to indicate how this proposal would affect drainage in the vicinity of the site or how any impact would be mitigated.

#### 10.23 Ecological issues

- 10.24 The site is approximately 1.2km from the South Pennine Moors Phase 2 Special Protection Area (SPA) and records of golden plover exist for the area surrounding the site, including around Scammonden Water to the north of the site.
- 10.25 Golden plover is a designated feature of the SPA and during the breeding season will forage on habitats outside of the SPA. Preferred foraging habitat is relatively undisturbed pasture with sufficient invertebrate prey. Based on the available information the habitats would appear to be suitable for use by golden plover, which forage during the day and night and fly up to 7 km from the nest site.
- 10.26 Due to the potential for impacts to land connected to the SPA in respect of golden plover a Habitat Regulations Assessment is required to support the application. Any proposed development that is determined likely to have a significant adverse effect on the integrity of a European protected site will proceed to the second stage of HRA and must be subject to an Appropriate Assessment. Appropriate Assessments (AA) relating to planning applications in Kirklees are undertaken by Kirklees Council, using information submitted by the applicant. However, the applicant has not provided an ecological assessment which can be used to inform an AA and it is therefore considered that this proposal does not accord with KPDLP policy PLP30 or Section 11 of the NPPF.
- 10.27 Members should note however, that Class B, Part 4, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 allows the temporary use of land for motorcycle racing for up to 14 days in any calendar year without the need for a grant of express planning permission. Consequently, the applicant may take advantage of these rights should he wish. In fact, evidence indicates that events have taken place on several occasions this year already resulting in investigations being initiated by the Council's Pollution and Noise Control (PNC) team. Officers from the PNC team have witnessed noise nuisance being caused during two of these events.

## 10.28 Representations

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

The proposal would be detrimental to highway safety in the area

**Response:** This matter has been considered in the section titled “Highways Issues”

Noise resulting from activities at the site would adversely affect nearby residents.

**Response:** This matter has been considered in the section titled “Local Amenity”

The development would be contrary to Green Belt policy

**Response:** This matter has been considered in the section titled “Principle of development”

The proposed activities would destroy agricultural land

**Response:** Whilst this proposal would result in the limited loss of agricultural land, the land concerned is poor quality grazing land and there is a significant amount of this type of grazing land in the vicinity. Furthermore between events this land could potentially support grazing for temporary periods.

The proposal would attract ancillary activities such as toilets and food sales etc.

**Response:** The applicant has indicated that any ancillary facilities would only be brought to the site when events took place and would be removed once the event finished. Consideration of the impact of such facilities is included in the Section titled “Local Amenity”

The enjoyment of users of nearby public rights of way would be adversely affected.

**Response:** This matter has been considered in the section titled “Highway Issues”

The proposal would detrimentally impact on the visual amenity of the area and degrade the local landscape.

**Response:** This matter has been considered in the section titled “Local Amenity”

The local ecology would be adversely affected by this proposal.

**Response:** This matter has been considered in the section titled “Ecological issues”

Local water courses would become polluted as a result of the proposed activities

**Response:** This matter has been considered in the section titled “Drainage and flood risk issues”



Activities are likely to generate dust during dry periods which will have a negative impact on the local environment and the amenity of the area.

**Response:** This matter has been considered in the section titled “Local Amenity”

## **11.0 CONCLUSION**

- 11.1 It is considered that this development is inappropriate development within the Green Belt and, as a consequence, in order to justify this proposal very special circumstances need to be demonstrated to clearly outweigh the harm caused to the Green Belt. The applicant has, however, failed to provide any such reasons.
- 11.2 It is considered that the development would conflict with the key features of the existing landscape and would adversely affect the character of this locality. The development would give rise to significant adverse effects on local visual amenity and due to a lack of supporting information, the proposal’s impact on local amenity as a result of noise and dust, the local highway network and drainage cannot be fully assessed.
- 11.3 Furthermore the application site is situated close to the South Pennines Special Protection Area (SPA), which is a European designated site designed to protect endangered and vulnerable bird species. Officers consider that the applicant has failed to demonstrate that this proposal would not have a detrimental impact on the integrity of the SPA and bird species it is designed to protect.

## **12.0 Reasons for refusal**

1. The site lies within an area of designated Green Belt within which it is intended that new development be severely restricted. The proposals would constitute inappropriate development and it is considered that there are no very special circumstances which would clearly outweigh the harm to the Green Belt by reason of inappropriateness or any other harm. As such the proposals are considered contrary planning policy guidance in Section 9 of the National Planning Policy Framework.

2. The applicant has failed to demonstrate that the proposed development would maintain the integrity of the nearby South Pennines Special Protection Area (SPA) which is a European Designated Site. In particular the impact upon bird breeding and foraging areas as a result of disturbance and displacement which would detrimentally impact upon the breeding bird assemblage of the South Pennines SPA. As there are no imperative overriding reasons to allow this development in this position, the proposal would therefore be contrary to Kirklees Publication Draft Local Plan policy PLP 30 and planning policy guidance contained in Section 11 of the National Planning Policy Framework.

3. The applicant has failed to demonstrate that this development would not have a detrimental impact on the amenity of the area as a result of noise and dust resulting from the proposed activities. The proposal would therefore be contrary to Unitary Development Plan Policies EP4 and EP6, Kirklees Publication Draft Local Plan policies PLP51 and 52 and Section 11 of the National Planning Policy Framework.

4. The applicant has failed to demonstrate that this development would not have a detrimental impact on Highway Safety in the vicinity of the site, including that of a public right of way which is contrary to Unitary Development Plan policies R13, T10 and Kirklees Publication Draft Local Plan policy PLP21.

5. It is considered that the proposed use in this prominent location would create discordant feature within the local landscape which would have a significant detrimental impact on the area's distinctive wild and remote landscape character and therefore adversely affect the visual amenity of the area. This would be contrary to Kirklees Publication Draft Local Plan policy PLP32 and planning policy guidance contained in Section 11 of the National Planning Policy Framework.

**Background Papers:**

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f90096>

Certificate of Ownership – Certificate A signed 18.12.16



Originator: Emma Thompson

Tel: 01484 221000

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**Report of the Head of Strategic Investment**

**STRATEGIC PLANNING COMMITTEE**

**Date: 10-Aug-2017**

**Subject: Planning Application 2016/92664 Outline application for residential development Oak Mill, Cliff Hollins Lane, East Bierley, BD12 7ER**

**APPLICANT**

FMB Investments Ltd

**DATE VALID**

04-Aug-2016

**TARGET DATE**

03-Nov-2016

**EXTENSION EXPIRY DATE**

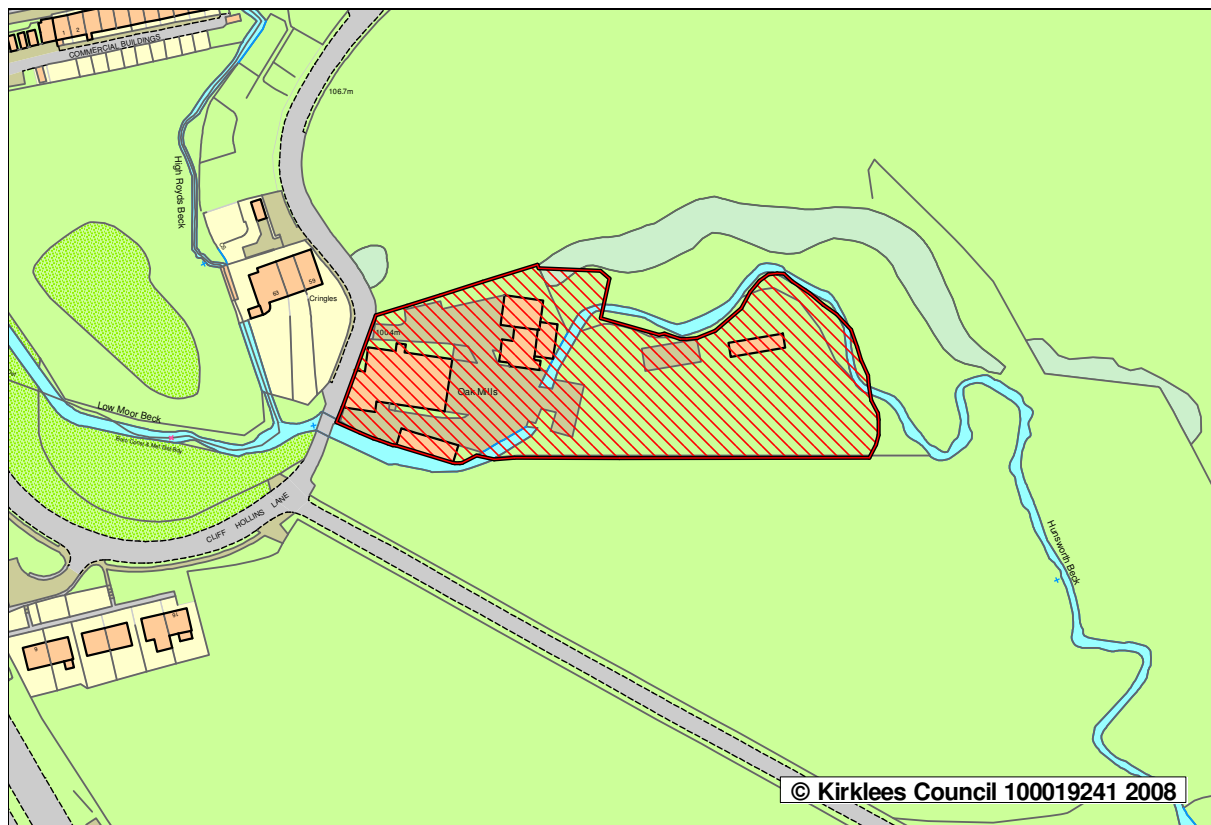
31-Mar-2017

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

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

## LOCATION PLAN



Map not to scale – for identification purposes only

**Electoral Wards Affected:** Cleckheaton

Yes

Ward Members consulted

### **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 matter:

1. off-site contribution towards affordable housing
2. on site public open space
3. agreed maintenance and management plan for the drainage solution

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 INTRODUCTION:**

- 1.1 This application is brought to the Strategic Committee for determination as the development needs to be considered in respect of being a departure from the development plan.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site is located to the east of Oakenshaw and the M606 with existing access off Cliff Hollins Lane. The site measures approximately 0.8 ha and is located within the Green Belt. There is a large two-storey stone built building that abuts Cliff Hollins lane. The remainder of the site accommodates a number of existing buildings in addition to metal cabins and other structures within the site. Much of the remaining site is covered in hard standing and provides for uncovered storage of materials, vehicles and other machinery in conjunction with the commercial operations that currently take place on the site. Some of the outer areas of the site are visibly more green in character than they are developed.
- 2.2 The site is crossed by a small watercourse known as Hunsworth Beck which is a tributary of the River Calder. Hunsworth Beck flows in a natural channel on entry to the site before flowing beneath a steel and concrete deck to emerge in a natural channel around the northern site boundary. The site is at the very north eastern edge of the Kirklees district, the land to the north is within Bradford district and is developed containing both housing and commercial activities. The site is entirely located with the designated Green Belt.

## **3.0 PROPOSAL:**

- 3.1 Outline planning permission is sought for the erection of up to a maximum of 13 dwellings. The application includes access with all other matters reserved. The application is supported by a plan that shows agreed developable areas in addition to an indicative layout plan.
- 3.2 Access is retained from Cliff Hollins Lane and includes improvements.

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

4.1 2000/2299 - Use of land for parking of skips for hire and associated vehicles and formation of new access road – Refused (units available in the urban area and the works involved would be intrusive)

99/92144 – Use of land for parking of skips for hire and associated vehicles – Refused (highway safety)

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

5.1 The application scheme has been reduced since first submission. The number of dwellings proposed has decreased following discussions regarding impact on the Green Belt

5.2 Further information with regards to flood risk and mitigation has been received in addition to a sequential test.

#### **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 25<sup>th</sup> 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.

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

6.2 D2 – Unallocated Land  
BE1 – Design principles  
BE2 – Quality of design  
BE12 – Space about buildings  
BE23 – Crime prevention  
NE9 – Retention of mature trees  
T10 – Highway safety  
H10 – Affordable housing  
H12 – Arrangements for securing affordable housing  
G6 – Land contamination  
H18 – Provision of open space  
B4 – Change of use of land and buildings last used for business or industry  
EP11 – Ecological landscaping

6.4 Supplementary Planning Guidance / Documents:

Interim Affordable Housing Policy

Council's Guidance on Education Contributions as a Result of New Residential Development.

6.5 National Planning Guidance:

Chapter 4 - Promoting Sustainable Transport

Chapter 6 – Delivering a wide choice of high quality homes

Chapter 7 – Requiring Good Design

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

Chapter 11 – Conserving and enhancing the Natural Environment

6.6 **Kirklees Publication Draft Local Plan: Submitted for examination April 2017**

The site is allocated as Green Belt with the beck designated as wildlife habitat network on the draft local plan.

Policies:

PLP21 – Highway safety and access

PLP22 – Parking

PLP24 – Design

PLP30 – Biodiversity and geodiversity

**7.0 PUBLIC/LOCAL RESPONSE:**

7.1 The application was advertised by site notice and neighbour notification letters.

7.2 5 letters of objection were received. The concerns raised are summarised below:

Highway safety/access/Traffic

Pedestrian safety

Visibility

Flood risk

Lack of school places & facilities

Land contamination

**8.0 CONSULTATION RESPONSES:**

8.1 **Statutory:**

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

**Environment Agency** – No objections

8.2 **Non-statutory:**

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

**K.C. Ecology** – No objections subject to conditions (EDS)

**K.C. Strategic Drainage** – No objections subject to satisfying the sequential test

**K.C. Strategic Housing** – Contribution required

**K.C. Landscaping** – On site provision required

**Bradford Council** – No objections

**Yorkshire Water** – No objections subject to conditions

9.0 **MAIN ISSUES**

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

10.0 **APPRAISAL**

Principle of development

- 10.1 The site is located within the designated Green Belt and retains that designation in the emerging Local Plan. Chapter 9 of the National Planning Policy Framework is relevant. Paragraph 79 of the National Planning Policy Framework (2012) (the Framework) advises that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence.



- 10.2 Paragraphs 87 and 89 of the Framework include advice that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, and that the construction of new buildings should be considered inappropriate unless they fall within specific exceptions listed at paragraphs 89 and 90. Furthermore, paragraph 89 provides for the limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 10.3 The proposal involves the demolition of the existing buildings and clearance of the remainder of the site. Key factors considered appropriate to judging openness do not relate solely to empirical calculations of volume and areas but also relate directly to the visual impact which is implicitly part of the concept of the Green Belt. The visual dimensions of the Green Belt is an important part of the point of designating land as Green Belt. Taking these points into account the application has been significantly revised since its original submission. The reduction of the developable areas has been undertaken to allow for a scheme that would concentrate new development to areas immediately accessible and nearer to existing residential development and would allow for a gradual reduction in the scale and density as the site extends into the wider rural area.

It is considered that a development can be designed that would have a scale and mass not materially greater than those buildings that currently exist in addition to taking into account the cumulative impact of the metal containers and units located toward the periphery areas. It is recognised there may be an increase in the frequency of buildings within the site but, on balance, it is not considered that these would have any greater impact on the openness of the Green Belt area. This is, in part, due to the compensatory measures which include the removal of units on the wider site in addition to the potential for landscaping which will be agreed under condition.

It is relevant to take into account the character of the existing site in so far as having a negative impact on the green belt due to its unkempt nature and rather dilapidated appearance.

Taking into account the scale and mass of buildings on the site in addition to the location and topography of the immediate surrounding area it is considered that the development proposed would not result in any greater material impact and as such is considered in accordance with Chapter 9 of the NPPF.

The development would contribute to the aims of Policy H1 of the UDP in that it would provide additional housing in a sustainable location.

Whilst located in the designated Green Belt the site is considered accessible to local shops and services. Furthermore, the use for a residential purpose provides for simultaneous economic, social and environmental gains thereby

resulting in a more sustainably developed site. The site will result in positive improvements in terms of the quality of the built and natural environment improving the contribution the site makes in this rural location.

The development of the site offers improvements to the existing access including the provision of a footway, road widening where necessary and improved visibility. Whilst such matters are further considered later in the report it is considered that the site can be served without causing any material concerns to access and highway safety.

#### Urban Design issues

- 10.8 A full assessment of the layout, scale, and appearance of the dwellings and the landscaping of the site would be pursued at reserved matters but it is considered there is sufficient space on site to accommodate 13 dwellings with associated, access and landscaping and amenity areas.
- 10.9 Policies BE1 and BE2 of the UDP are considerations in relation to design, materials and layout. The layout of buildings should respect any traditional character the area may have. New development should also respect the scale, height and design of adjoining buildings and be in keeping with the predominant character of the area. Chapter 7 of the NPPF emphasises the importance of good design. Furthermore, Paragraph 58 of the NPPF states that planning decisions should ensure that developments respond to local character and history, and reflects the identity of local surroundings and materials. As the application is in outline with all matters reserved there are no details of scale, materials or design. The nature of existing residential development that surrounds the site is mixed in scale and character, with no single style or design of property taking precedent.
- 10.9 The site contains a number of vacant buildings on a wide expanse of land resulting in an area of land that is significantly underused with areas that are unkempt and thereby detracting from the wider rural area. As a consequence the site offers very little in terms of visual amenity. The scheme's developable area has been reduced at the request of Officers to allow for the return of some areas to a more rural state. Development would be focused on the area adjacent to the existing highway and decrease in density towards the periphery. Remaining areas would be landscaped as part of a more detailed submission. Subject to considered design and detail it is considered that the redevelopment of the site could contribute more positively to the area.
- 10.10 It is considered that matters of visual amenity can be satisfactorily dealt with by means of conditions at this stage. It is acknowledged that the indicative scales of 2 and 2.5 storeys are also realistic in this location when the scale of existing buildings is taken into account.
- 10.11 As such, it is the view of officers that development could be appropriately designed without detriment to the character of the area, in accordance with Policies D2, BE1, and BE2 of the Kirklees UDP as well as chapters 6 and 7 of the NPPF.

### Residential Amenity

- 10.12 The site is currently in mixed employment use, and within an open rural area with residential areas to the north west. There are no immediate neighbours and as such a residential use could be accommodated without impacting on existing nearby occupants.
- 10.13 At present the application is for access only and therefore the proposed layout is not being considered or approved at this stage. However, it is considered from the illustrative layout submitted that a satisfactory layout can be achieved on this site which would protect privacy and residential amenity. The indicative scales of 2 and 2.5 storeys are also realistic in this location when the scale of existing buildings is taken into account.
- 10.14 The site is vulnerable to noise and as such the comments of Environmental Services have been sought. The recommendations require specific noise attenuation measures to be incorporated into the development, to be validated prior to any occupation. These are considered satisfactorily to deal with this issue and would accord with the aims of policy EP4 of the UDP and chapter 11 of the NPPF.

### Landscape & Biodiversity issues

- 10.15 Landscaping is not included for consideration and is retained as a reserved matter. As previously set out, any future landscaping scheme would be beneficial in terms of providing enhancement both within the site developed site but also in the wider area that is to be retained as rural landscape.
- 10.16 UDP Policy EP11 requires that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. The scheme currently does not provide any ecological enhancement, and therefore does not fulfil the objectives of paragraph 109 and 118 of the National Planning Policy Framework. The arboricultural and landscape officer raises no objections, subject to the provision of high quality green infrastructure given the location and opportunities to link with existing rural areas. In order for the development to be acceptable conditions are imposed and can be addressed at Reserved Matters stage.
- 10.17 As such the development is considered in accordance with Policy NE9 of the Kirklees Unitary Development Plan and with the inclusion of conditions would ensure that the proposal would improve biodiversity within the local area, complying with current guidance contained within the NPPF.

### Housing issues

- 10.16 Paragraph 47 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. In terms of how planning applications should be dealt with, paragraph 49 advises: 7 "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing." Kirklees cannot demonstrate a five year housing land supply therefore its policies that relate to the supply of housing cannot be considered up to date and the presumption in favour of sustainable development applies.
- 10.17 The development would contribute to the aims of Policy H1 of the UDP in that it would provide additional housing in a sustainable location.

### Highway issues

- 10.18 This application seeks outline approval with access the only matter for consideration at Oak Mill, Cliff Hollins Lane, East Bierley.
- 10.19 The applicants have provided a revised indicative layout plan showing 13 dwellings served by a shared surface carriageway with a single point of access onto Cliff Hollins Lane.
- 10.20 The applicants have provided revised plan number DPL SK009 showing the proposed access.
- 10.21 A footway 2.0 metres in width is shown to be provided to the full frontage of the development onto Cliff Hollins Lane and the carriageway widened where necessary to provide a minimum width of 5.5m.
- 10.22 Sight lines of 2.4 x 43m are shown from the proposed site access onto Cliff Hollins Lane.
- 10.23 A water course crosses the site and runs beneath the proposed adoptable highway and potentially under the south western side of the proposed footway. There is no parapet wall to part of the north eastern section of the existing bridge. An assessment as to the adequacy of any structure beneath the proposed adoptable road and footway will need to be submitted to, and approved in writing by, the Council's Highways Structures Section. This is recommended as a condition
- 10.24 Highways DM have assessed the proposed development an in light of the improvements proposed. It is considered that the proposals are acceptable and in accordance with Policies T10 of the Kirklees Unitary Development Plan.

## Flood risk & Drainage issues

- 10.25 The NPPF sets out the responsibilities for Local Planning Authorities in determining planning applications, including flood risk assessments taking climate change into account and the application of the sequential approach. Concerns have been raised in the representations received as to whether there is a suitable surface water drainage solution for this site. Strategic Drainage has been consulted and raise no objections subject to the inclusion of conditions regarding drainage specifically.
- 10.26 The site lies within Flood Zones 2 and 3, which have a medium and high flood risk. Paragraph 101 of the National Planning Policy Framework (NPPF) requires decision-makers to steer new development to areas at the lowest risk of flooding by applying a Sequential Test.
- 10.27 Avoidance is the most effective flood risk management measure. Even when development can be made 'safe' in flood risk areas, there are always residual risks. In accordance with paragraph 103, consideration should only be given to development in flood risk areas following the Sequential Test.

### *Sequential Test:*

- 10.28 It is considered that the agent has submitted sufficient evidence to allow the Sequential Test to be carried out. Development should not be permitted if there are reasonably available sites, appropriate for the proposed development, in areas with a lower probability of flooding. The approach set out in the Environment Agency's guidance note has been applied in order to sequentially test the site. The geographical area has been limited to North Kirklees in agreement with Officers due to it being sufficiently representative of the catchment of development. The site area is just under 0.8 hectares with a deliverable area for housing of approximately 0.55 and the assessment has considered sites between 0.5 and 1 hectares. The sites found have been divided into short to long term "availability". The developer requires commencement in the short term and as such the sites found have been narrowed down to those more immediately available. Sites that are within the green belt that are not previously developed have been discounted. The remaining sites have been assessed for their deliverability.
- 10.29 On the basis of the assessment only 5 sites are considered to be a viable alternative to the application site on deliverability and achievability grounds and of the 5 sites there is only one at lower risk of flooding. None of the remaining sites are available as they are, with the exception of those owned by Kirklees, in private ownership and not on the market.

### *Exception Test:*

- 10.30 As part of the site is designated Flood Zone 3 The exception test needs to be passed in accordance with the two parts identified in the paragraph 102 of the NPPF. The site provides much needed residential accommodation on a brownfield site in an accessible and sustainable location and accords with the wider sustainability objective of the NPPF and adopted development plan. The site is within reasonable distance of amenities. The redevelopment of the site

will be of environmental benefit in terms of improving the visual amenity of the area in addition to providing opportunities for ecological enhancement. The scheme would contribute to the housing delivery of Kirklees. As such it is considered that the first part of the exception test is passed. Secondly a comprehensive Flood Risk Assessment has been undertaken for the site and has been reviewed by the Environment Agency. The FRA confirms that the proposed flood mitigation works will take place in delivering the development to ensure the development not only prevents flooding but resulting in it being pre-designated as Flood Zone 1. The development proposals will result in a reduction to the local flood risk in the area through enhanced fluvial flow capacity and improved management of surface water run-off. The FRA enables the second part of the exceptions test to be passed.

- 10.31 For the reasons outline it is considered that the Sequential and Exceptions Tests have been assessed and Officers conclude that it is satisfactorily passed.

#### Representations

- 10.32 Five representations have been received. In so far as they have not been addressed above:

##### Highway safety/access/Traffic

Reason: The application has been fully assessed taking into account the improvements that the development would introduce. As such it is considered that the development would not result in any detrimental impact to highway safety.

##### Pedestrian safety

Reason: The proposals include improvements to the access and highway including the provision of a footway. The development will therefore improve connectivity and highway safety for pedestrians.

##### Visibility

Reason: The application has been fully assessed taking into account the improvements that the development would introduce that include to visibility. As such it is considered that the development would not result in any detrimental impact to highway safety.

##### Flood risk & drainage:

Reason: The application is accompanied by a Flood Risk Assessment, Sequential and Exceptions test which are considered acceptable for the purposes of determine this application. The assessment demonstrates that the development will not lead to any further increase in flood risk in the area and shows that mitigation measures should lead to a decrease in risk.

##### Lack of school places & facilities

##### Land contamination

## Planning obligations

### 10.33 Public Open Space

The site is over 0.5 hectares and requires the submission of the provision of Public Open Space. This is an outline application, and the detailed layout of any areas of Public Open Space is unknown at this time. Accordingly, it is appropriate to impose a condition requiring the provision of Public Open Space. This can be addressed by a subsequent Section 106 agreement.

### 10.34 Affordable Housing:

Due to the scale of development being reduced to a maximum of 13 dwellings an offsite contribution in lieu of on-site provision of affordable housing has been agreed by Strategic Housing and with the agent. The contribution will be secured by S106 agreement and offset by any vacant buildings credit.

## Other Matters

### 10.35 *Business*

The site has previously been used by business and industry and as such, in terms of loss of the employment use from this site, the matters set out in UDP Policy B4 should be considered as well as the relevant National Planning Policy Framework (NPPF) policies.

Paragraph 51 of the NPPF advises that applications for the change of use from a commercial use to residential should be supported if there are no strong economic reasons for their retention, and where there is an identified need for additional housing in the area. This is applicable in this case. The benefits of redevelopment for a residential purpose far outweigh the retention of the industrial site and the improvements that will be achieved add weight to this argument. Furthermore there is a history of applications relating to the site and development for commercial purposes and these have been refused due to the location in a rural area in addition to concerns regarding the access and local highway network. There will be a reduction in the use of the site by commercial vehicles and their replacement with ones of a domestic scale which will be a positive impact on the immediate network. The use of the site will be one which is more sustainable given its rural location.

## **11.0 CONCLUSION**

- 11.1 The Council cannot currently demonstrate a requirement of deliverable housing land supply sufficient for 5 years. In accordance with the NPPF relevant policies for the supply of housing are out of date. In such circumstances no significant weight can be given to its content. In accordance with NPPF there is a presumption in favour of sustainable development and planning permission should be granted *“unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted”*. The proposal is considered to present a sustainable form of

development. There are no other material considerations that outweigh this finding.

- 11.2 The site is an area of unkempt brownfield land located within the Green Belt. The redevelopment for a residential purpose of up to 13 dwellings is not considered to have any greater impact on the openness or the character of the Green Belt. The reuse of the site for residential accommodation will be more sustainable whilst not detrimentally impacting on highway safety, visual or residential amenity. The site will contribute to the aims of the Unitary Development Plan by providing public open space in addition to an offsite contribution for affordable housing.

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

- 1-4. Standard conditions to secure Reserved Matters
- 5. Noise
- 6. Contaminated land
- 7. Sustainable transport
- 8. Ecological design strategy
- 9. Drainage details
- 10. Watercourse enclosure/alterations
- 11. Flood mitigation works
- 12. Overland flood routing
- 13 Temporary drainage provision
- 14. Affordable Housing
- 15. Public Open Space
- 16. Footway and road widening in addition to highway works
- 17. Retaining walls & structures near or abutting the highway
- 18. Construction traffic access

**Background Papers:**

Application and history files.

Website link to be inserted here:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f92664>

Certificate of Ownership –Certificate A signed by Andrew Windress



**Name of meeting: STRATEGIC PLANNING COMMITTEE**

**Date: 10<sup>th</sup> August 2017**

**Title of report: Planning application 2017/92026/E 1-3 Sugden Street, Oakenshaw, Bradford-Redevelopment of 3 dwellings and adjoining barn to create 2 dwellings with parking and gardens**

<b>Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?</b>	<b>Not applicable</b>
<b>Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports)</a>?</b>	<b>No</b>
<b>The Decision - Is it eligible for "call in" by Scrutiny?</b>	<b>No</b>
<b>Date signed off by Service Director - Economy, Regeneration &amp; Culture &amp; name</b>	<b>2 August 2017 Paul Kemp</b>
<b>Is it also signed off by the Assistant Director for Financial Management, IT, Risk and Performance?</b>	<b>No financial implications</b>
<b>Is it also signed off by the Assistant Director - Legal Governance and Monitoring?</b>	<b>No legal implications</b>
<b>Cabinet member portfolio</b>	<b>Economy, Skills, Transportation and Planning (Councillor McBride)</b>

**Electoral wards affected: Cleckheaton**

**Ward councillors consulted: No**

**Public or private: Public**

## 1. Purpose of report

This item to seek the approval of the Strategic Planning Committee to devolve its decision making authority to Bradford Metropolitan District Council in respect of the above cross-boundary planning application.

## 2. Background

2.1 A full planning application has been submitted to Bradford Metropolitan District Council at Sugden Street, Oakenshaw for demolition of the existing dwellings, barn and outbuildings and the erection of two detached dwellings which are proposed on the footprint of the former buildings

covering a similar area. Garaging, vehicle turning areas and gardens will also be provided to the rear of the dwellings.

2.2 The majority of the application site (including the dwellings, gardens and parking) lies within the administrative boundary of Bradford Metropolitan District Council, with only the vehicular access from Green Lane to the site (but excluding a small section of this access) within the administrative boundary of Kirklees Council. The application to Kirklees council is under (reference 2017/92026/E).

2.3 In circumstances where an application site crosses the administrative boundary between two Local Planning Authorities two identical applications should be submitted, one to each Local Planning Authority, seeking planning permission for the development of land falling within each Local Planning Authority's administrative area and identifying the relevant area on the site plan.

2.4 From our records it would appear that three previous applications have been submitted to and considered by Bradford Council: an outline application for redevelopment to provide 3 dwellings in 2008 (08/06879), an extension of time limit application in 2011 (11/05061) and more recently in 2014 (2014/93765). No corresponding application was submitted to Kirklees Council for the extension to time. Kirklees were consulted on the 2008 and 2014.

2.5 An application for outline planning permission was made in 2014 (14/93765) to Bradford Council with a duplicate to Kirklees. The red application site boundary is similar for both. The 2014 application was considered by Officers and presented as an item to Strategic Committee on the 5<sup>th</sup> March 2015. Committee resolved to:

**DELEGATE ITS DEVELOPMENT CONTROL POWERS TO BRADFORD METROPOLITAN DISTRICT COUNCIL**

**WITH CONCERNS RAISED BY THE COMMITTEE IN RELATION TO THE INTENSIFICATION OF USE OF THE EXISTING SUB-STANDARD ACCESS BE ASKED TO BE TAKEN INTO ACCOUNT IN BRADFORD MDC CONSIDERATION OF THE APPLICATION**

2.6 The applications were approved by Bradford Council and conditions attached including conditions regarding access and parking. The 2014 outline application was approved and the decision issued March 2015 and as such expires in 2018 and is a material consideration in the determination of the current application. The proposals include a passing place located part way along the access.

2.7 Officers consider that it would be appropriate in this particular case for Kirklees Council to delegate its development control functions to Bradford Metropolitan District Council. The reasons for this are:

- that the proposed development within Kirklees' administrative boundary comprises of the proposed access only;
- that three previous applications have been approved which included this access; and,
- No objections were raised to the most recent application

2.8 The Committee should also note that Kirklees Council has the opportunity to comment on the application that has been submitted to Bradford Metropolitan District Council and highways officers have provided comments in respect of their consultation. This will contribute to the Officers decision.

### **3. Key Points**

3.1 Paragraphs 73-74 of Circular 04/2008 set out the applicable procedures in respect of payment of the application fee:-

*“The planning fee is payable solely to the authority of whichever area contains the larger or largest part (within the red line) of the whole application site.”*

3.2 In this case, the majority of the application site falls within the administrative area of Bradford Metropolitan District Council, accordingly, the application fee is payable solely to them. The obligation on applicants to submit their application to the relevant Local Planning Authority’s should be unaffected by the administrative arrangements put in place between Local Planning Authorities for the determination of cross boundary planning applications. Accordingly, where an application site falls within the administrative areas of two Local Planning Authority’s the applicant should submit its application to each Local Planning Authority.

3.3 Paragraph 73 of Circular 04/2008 states that where an application site straddles one or more local planning authority boundaries, it is necessary to submit identical applications to each local planning authority, identifying on the plans which part of the site is relevant to each.

3.4 It is strictly possible and lawful for an applicant to formulate two distinct planning applications for each Local Planning Authority. However, such an approach would be artificial since each Local Planning Authority would need to know the details of the development proposed in the other Local Planning Authority’s administrative area in order to make an appropriate determination of the application. For example – Kirklees would need to know what the access would serve and Bradford would need to know how access to the development would take place.

3.5 In the absence of alternative administrative or statutory arrangements, a planning application should be determined by the Local Planning Authority in whose administrative area the development is proposed to be carried out. In the case of cross boundary applications, this can lead to two Local Planning Authority’s making individual determinations, imposing different conditions on the permissions and entering into separate Section 106 Agreements. In some cases, they may reach different outcomes. This is, of course, undesirable in terms of achieving a coordinated approach to delivering development.

3.6 Section 101(5) of the Local Government Act 1972 authorises two or more Local Planning Authorities to discharge any of their functions jointly. This arrangement can be achieved through the establishment of a joint committee. In practice, this type of arrangement is usually established for larger applications or if it is likely that there will be a number of cross boundary applications. Kirklees and Bradford could choose to establish a joint committee and determine the cross boundary application collectively. In practice however, this approach is not considered to be an efficient use of Council resources for such a small planning application.

3.7 An alternative solution is that Kirklees Council could delegate its decision making powers to Bradford Metropolitan District Council in respect of its

determination of any cross boundary planning application submitted to it. Bradford Council, who has been paid the full application fee in any event, would then determine both the application submitted directly to it and the application initially submitted to Kirklees but delegated to Bradford. This is considered by officers to be the preferred option available to the council.

3.8 If Bradford Metropolitan District Council was minded to grant consent for the cross boundary development, it could grant planning permission authorising the development applied for in both of the administrative areas under the two original planning applications. The same applies should Bradford be minded to refuse the application.

#### **4. Implications for the Council**

4.1 None to note.

#### **5. Consultees and their opinions**

5.1 K.C. Highways Officer raises no objection to the proposed development in view of the history of approved development proposals on the site in addition to a reduction in the number of dwellings proposed. The buildings on site are three dwellings and the proposed development would be for two. It should be noted that the development would provide some highway improvements to the access in respect of the provision of a passing place and an increase in the width of the bend.

#### **6. Officer recommendations and reasons**

6.1 That in accordance with Section 101(1) of the Local Government Act 1972 the Strategic Planning Committee delegates its development control powers to Bradford Metropolitan District Council in respect of Application 2017/92026/E for Full application for redevelopment of 3 dwellings and adjoining barn to create 2 dwellings with parking and gardens

#### **7. Cabinet portfolio holder recommendation**

7.1 Cllr. Steve Hall has been consulted on this application.

#### **8. Contact officer**

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

#### **9. Background Papers and History of Decisions**

9.1

2017/92026

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f92026>

2014/93765

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2014%2f93765>

2011/05061

No details

2008/06879

<https://planning.bradford.gov.uk/online-applications/caseDetails.do?caseType=Application&keyVal=KAHHODDH FH000>

10. **Service Director responsible**  
Paul Kemp

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**Name of meeting: STRATEGIC PLANNING COMMITTEE**

**Date: 10<sup>th</sup> August**

**Title of report: Pre-application for conversion of an existing mixed use building to 140 bedroom student accommodation with 3 storey rooftop extension and side extension (Co-operative Building, New Street, Huddersfield)**

<b>Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?</b>	<b>Not applicable</b>
<b>Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports)</a>?</b>	<b>No</b>
<b>The Decision - Is it eligible for "call in" by Scrutiny?</b>	<b>No</b>
<b>Date signed off by Service Director - Economy, Regeneration &amp; Culture &amp; name</b>	<b>2 August 2017 Paul Kemp</b>
<b>Is it also signed off by the Assistant Director for Financial Management, IT, Risk and Performance?</b>	<b>No financial implications</b>
<b>Is it also signed off by the Assistant Director - Legal Governance and Monitoring?</b>	<b>No legal implications</b>
<b>Cabinet member portfolio</b>	<b>Economy, Skills, Transportation and Planning (Councillor McBride)</b>

**Electoral wards affected: Newsome**

**Ward councillors consulted: Yes**

**Public or private: Public**

## **1. Purpose of report**

- 1.1 This pre-application is brought to Strategic Committee given the scale of the development and the historical and cultural significance of the building/site.
- 1.2 The Council's Officer-Ward Members Communication Protocol provides for the use of Position Statements at Planning Committees. They set out the details of the pre-application, the consultation responses and representations received to date and the main issues identified at pre-application stage with the development proposed.

- 1.3 Members of Committee will be able to comment on the main issues to help inform Officers and applicants. This is not a formal determination, it does not predetermine the outcome of any subsequent planning application, nor does it create any issues of challenge to a subsequent decision on the application by the Committee.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The site comprises the former Co-operative building located within Huddersfield Town Centre Conservation Area. The site is bounded to the west by New Street and Alfred Street to the east and sits on the edge of the ring road located abutting the site to the south.
- 2.2 The building is four stories in height with third floor windows set back from the main façade with a continuous balcony and canopy. The proposal was built as an extension in 1936 to the original Co-operative building which was built in 1893. The building has been vacant for some time despite efforts to find a suitable use and occupier. The site remains under the ownership of the Council.

## **3. Proposal**

- 3.1 The proposal involves the conversion of the existing building and the erection of a three storey extension and full height side extension in order to accommodate 140 bedroom student accommodation.

## **4. Consultees and their opinions**

Police Architectural Liaison Officer – Subsequent application will need to consider crime prevention

Education – no contribution required.

Conservation and Design – *The building is within the Huddersfield Town Centre Conservation Area and has the benefit of a current Certificate of Immunity from Listing which I believe runs out in November of this year; I also understand that the Council are to apply again. It is likely that should a request be made another Certificate will be issued unless new information comes to light over the social and historic interest the building has; in my opinion this is doubtful.*

*Built as an extension for the Co-Operative movement in 1936 to the existing Co-Op that was built in 1893. The modernist approach to the architecture of the extension is in stark contrast to that of the late Victorian Baronial approach to the original. The building is four stories in height with the third floor windows set back from the main façade with a continuous balcony and canopy. The contrast to the horizontality of the building is provided by the canted corner block which is extremely prominent and has a strong vertical emphasis. There are glazed stairwells at either end of the building which helps to soften the relationship between this extension and the original store. The building was latterly a nightclub but has been vacant for a number of years which has led to poor maintenance and vandalism; the building is owned by the Council as part of the Queensgate Revival scheme. The building is constructed with a concrete frame which is allegedly suffering from deterioration thus making the building unviable.*



*The scheme to which the pre-app relates looks towards converting the building to student accommodation and increasing the height of the building by an additional three floors including increasing the height of the corner block with glazing. To the junction of the building with the former co-op on New Street is a glazed 'box' that extends beyond the façade of the building. All this additional work is an intrusion and causes harm to the character of the building and the conservation area. I do not believe this to be substantial harm as defined by the NPPF but it is certainly less than substantial. The pre-app is not supported by any evidence that this amount of extra floor-space is a requirement to make the building viable and this would need to be part of any application as well as a structural report to understand the amount of work necessary to make the building fit for purpose.. Equally I would wish to see evidence by the way of photomontages and sections that the extensions do not dominate the area particularly views of the clock tower and dome on the former co-op; a view up from Chapel Hill may be appropriate to prove that this domination is reduced.*

*I am not against the extension of the building, indeed this may be the best way of doing it, but I remain to be convinced that the additional increase in height by three stories is necessary without a cost analysis. I would suggest that a development of this size will need to be sent to Historic England.*

Biodiversity Officer – No objection subject to potential enhancement.

Highways – No objection. Advice provided covered below.

Environmental Health –

*Noise*

A noise report should accompany any planning application.

*Air Quality*

Air quality assessment required.

Landscape

No objection. Advice provided detailed below.

Drainage

No objection.

## **6. Officer recommendations and reasons**

*Principle and Impact on Heritage Assets*

- 6.1 The former Co-operative is an iconic building positioned on the edge of Huddersfield town centre within the confines of the ring road. The building lies in Huddersfield Town Centre Conservation Area. Part of the building appears to have deteriorated to an extent. The building is currently owned by the Council.

- 6.2 Officers raise no objections to the principle of the use proposed as it is a compatible town centre use. However, it is acknowledged that the proposed extensions would significantly alter the appearance of the existing building, as well as impacting on the Conservation Area and potentially affecting the original Co-operative building adjacent.
- 6.3 The NPPF states in determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - the desirability of new development making a positive contribution to local character and distinctiveness.

- 6.4 Based on the information submitted with this pre-application enquiry, it is considered that the works proposed are likely to represent less than substantial harm to the significance of the Conservation Area. In this regard the NPPF states:

*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.*

- 6.5 It is important therefore, that any subsequent planning application is accompanied by a Heritage Statement and viability information to demonstrate that the extent of the alterations and extensions are justifiable on the basis that the works would secure the optimum viable use of the building. Information should also be submitted showing the visual impact of the building from sensitive receptors, including Chapel Hill.

#### *Highways*

- 6.6 There are no objections to the principle of development which relies on existing town centre parking. The site is in an accessible location close to public transport and within walking distance of the University.
- 6.7 Any subsequent planning application should demonstrate details of storage and access for collection of wastes from the premises. The current arrangement to reach the service area to the rear of the buildings is via third party land and shared access and it is important to consider how the proposal would affect collection/turning for refuse collection vehicles. This should be done via the means of a Transport Statement, demonstrating how the conflict with Wilkos loading arrangements are to be avoided.
- 6.8 A travel plan would be required. Acceptable and safe cycle storage facilities details would also be required with any subsequent planning application.
- 6.9 Details of loading/unloading for students should be included in any application.

### *Other Issues*

- 6.10 In respect of landscaping/public realm, the applicant is asked to consider improving street furniture and providing bins along New Street and consider whether green roof would be appropriate.
- 6.11 Ecological enhancements are recommended in the form of swift nest features.
- 6.12 A noise report and air quality assessment would be required with any subsequent planning application.

## **7. Conclusion**

- 7.1 The proposals have the potential to bring back into use an iconic town centre building and the general principle of development is supported. It is important that the scheme is carefully designed to respect the heritage assets and supported by information to justify the scale of the development.
- 7.2 Other matters for consideration in any subsequent planning application are set out in this report.

## **8. Contact officer**

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

## **9. Background Papers and History of Decisions**

## **10. Service Director responsible**

Paul Kemp

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Originator: Nick Hirst

Tel: 01484 221000

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**Report of the Head of Strategic Investment**

**STRATEGIC PLANNING COMMITTEE**

**Date: 10-Aug-2017**

**Subject: Planning Application 2017/92235 Erection of new education building with the associated landscaping University of Huddersfield, Queens Street South, Huddersfield.**

**APPLICANT**

The University of  
Huddersfield

**DATE VALID**

06-Jul-2017

**TARGET DATE**

05-Oct-2017

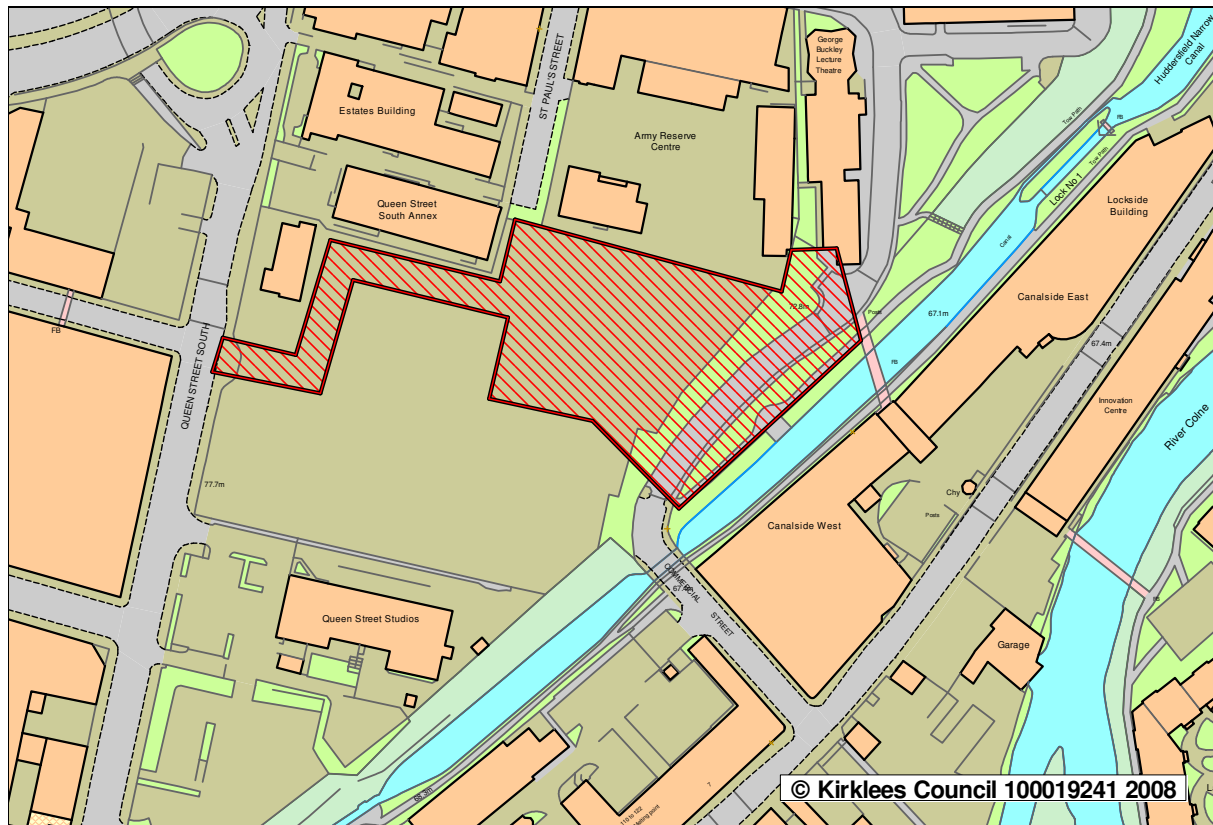
**EXTENSION EXPIRY DATE**

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

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

## LOCATION PLAN



Map not to scale – for identification purposes only

**Electoral Wards Affected:** Newsome

Yes

Ward Members consulted

## POSITION STATEMENT

The purpose of this report is for Members to note the content and respond to the questions at the end of each section.

## **1.0 INTRODUCTION**

- 1.1 This is a full planning application brought to Strategic Committee given the scale of the development that exceeds 0.5 ha.
- 1.2. This report is a Position Statement from the Local Planning Authority, in accordance with the Council's 'Officer-Ward Members Communication Protocol' and their presentation at Planning Committees. Position Statement's set out the details of the application, the consultation responses and representations received to date and the main issues with the application.
- 1.3 Members of Committee will be able to comment on the main issues. The purpose of this is to help inform officers and the applicant prior to the formal determination.
- 1.4 The Position Statement is not a formal determination: it does not predetermine the Committee Members and does not create any issues of challenge to a subsequent decision on the application by the Committee.

## **2.0 SITE AND SURROUNDINGS**

- 2.1 The application covers an area of 0.64 hectare. The majority of the site is within land previously occupied by industrial and warehouse units of the Broadbent Works. These were demolished circa 2015/2016, leaving the site cleared and vacant. The remainder of the site, to the east, includes a car park, canal side path and vegetation accessed from University Road. A circa 5.0m retaining wall separates the former Broadbent Works site to University Road.
- 2.2 The site is bound to the north by the University's Queensgate campus. The campus consists of numerous buildings. The architectural styles and appearances of the buildings within the Queensgate campus vary greatly, demonstrating their period of construction and original purpose. To the east and south is the Huddersfield Narrow Canal, which has various mill buildings fronting onto it on the opposite bank. The canal is on a ground level approx. 5.0m below that of the main site. To the west is Queen Street South: accessed from Queen Street South are various industrial units and Queen Street Studios, a university teaching building.
- 2.3 There are various listed buildings and structures within the area. Examples include the Thomas Broadbent and Sons Ltd Bath House (west) Army Reserve Centre (north) and Canalside East and West Buildings (east). All noted, and within the area, are Grade 2 Listed.
- 2.4 Queen Street South connects to Huddersfield Town Centre's ring road, with the site being approximately 5 minute walk from the town centre.

### **3.0 PROPOSAL**

- 3.1 The application seeks planning permission to construct a 4 level education centre. It is to be named the Barbra Hepworth Building. The building is to be split level, presenting three storeys to St Paul's Street and four to University Street. A mezzanine floor will connect the lower ground level to the ground floor.
- 3.2 The overall floor space created is to be 7,405sqm on a building footprint of 2,310sqm. It is to house the Art, Design and Architecture teaching facilities and is to be the first of the new western area of Queensgate campus. The Barbra Hepworth Building is not to provide traditional classrooms, instead hosting flexible spaces of various workshops, dark rooms, studios and other specialised rooms. Ancillary facilities include a café space, materials library, social areas and toilets.
- 3.3 Materials of construction include ashlar stone, aluminium cladding and large areas of glazing with an aluminium veil feature over. The proposal would create 10 fulltime jobs. No parking spaces are proposed, with the development resulting in a net loss of 25 parking spaces for the campus as a whole (690 to 665).
- 3.4 External works include soft landscaping along the canal front and alterations to University Road. Engineering works are proposed to create stairs, in the form of an amphitheatre, linking the ground level of the building to University Road and the canal.

### **4.0 RELEVANT PLANNING HISTORY**

#### **4.1 Application site**

2009/92065: Erection of office, warehouse and factory extension including external alterations – Conditional Full Permission\*

2010/91327: Change of use of foundry to office, new roof and wall cladding, and new windows – Conditional Full Permission\*

2010/90113: Listed Building Consent for demolition of existing buildings – Consent Granted\*

2013/92907: Outline Application for demolition of existing buildings and erection of educational development (D1) with associated access (Listed Building) – Conditional Outline Permission (Unimplemented, expired)

2013/92920: Listed Building Consent for demolition of existing buildings – Consent Granted



2016/90487: Discharge of conditions 16 and 17 on previous application 2013/92907 for demolition of existing buildings and erection of educational development (D1) with associated access (Listed Building) – Discharge of Conditions Approved

\* - Refers to development which has since been demolished.

#### 4.2 Application site adjacent / Surrounding Area

##### *Huddersfield Narrow Canal*

99/92753: Formation of footpath links including ramped access, seating areas and associated landscaping – Conditional Full Permission (Implemented)

##### *Huddersfield University Campus*

96/90053: Change of use from government offices to teaching and office use – Conditional Full Permission (Implemented)

2003/94676: Erection of extension to West Building to accommodate media and the student union and alterations to adjoining car park. Formation of temporary car park on site of great hall (partly within a Conservation Area) – Conditional Full Permission (Implemented)

##### *Former Huddersfield Examiner / Land at Queen Street South, Huddersfield*

2010/92802: Change of use from offices to higher education use – Conditional Full Permission (Implemented)

2012/92398: Formation of new car park – Conditional Full Permission (Implemented)

## **5.0 HISTORY OF NEGOTIATIONS**

5.1 Negotiations are ongoing between the case officer and agent. At the time of position statement being published no amendments have been requested or agreed. Further details and clarification have been sought and is included within the below report where relevant.

## **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 25<sup>th</sup> 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.

6.2 On the UDP Huddersfield Town Centre Insert Map the site is allocated as an area where industrial and warehousing development will normally be permitted. Furthermore the site falls within identified Derelict Land (Site No. DL7.3).

6.3 The site is Unallocated on the PDLP Proposals Map. The Huddersfield Narrow Canal is allocated as a core walking/cycle network, local wildlife site and Habitat Network.

6.4 Within both the UDP and PDLP the site is adjacent to the Huddersfield Town Centre Conservation Area.

6.5 Kirklees Unitary Development Plan (UDP) Saved Policies 2007

- **G6** – Land contamination
- **D2** – Unallocated land
- **NE9** – Development proposals affecting trees
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE11** – Building materials
- **BE23** – Crime prevention
- **EP4** – Noise sensitive locations
- **EP11** – Ecological landscaping
- **T1** – Transport: Strategy
- **T10** – Highway Safety
- **T16** – Pedestrian access
- **T19** – Parking standards
- **DL1** – Derelict and neglected land
- **DL2** – Reclamation of derelict land
- **DL3** – Identified derelict land
- **R18** – Development adjacent to the canal
- **TC1** – Huddersfield Town Centre
- **TC12** – Proposals for the development of industry and warehousing

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

- **PLP1** – Presumption in favour of sustainable development
- **PLP2** – Place shaping
- **PLP3** – Location of new development
- **PLP7** – Efficient and effective use of land and buildings
- **PLP20** – Sustainable travel

- **PLP21** – Highway safety and access
- **PLP23** – Core walking and cycling network
- **PLP24** – Design
- **PLP28** – Drainage
- **PLP30** – Biodiversity & Geodiversity
- **PLP31** – Strategic Green Infrastructure Network
- **PLP32** – Landscape
- **PLP33** – Trees
- **PLP34** – Conserving and enhancing the water environment
- **PLP35** – Historic environment
- **PLP51** – Protection and improvement of local air quality
- **PLP53** – Contaminated and unstable land

#### 6.7 National Planning Guidance

- **Paragraph 7** – Sustainable Development
- **Paragraph 17** – Core Planning Principles
- **Chapter 4** – Promoting sustainable transport
- **Chapter 7** – Requiring good design
- **Chapter 8** – Promoting healthy communities
- **Chapter 10** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 11** – Conserving and enhancing the natural environment
- **Chapter 12** – Conserving and enhancing the historical environment

#### 6.8 Other Considerations

- Guidelines for Regeneration: Firth Street Area Huddersfield. November 2002

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

7.1 The application has been advertised via site notice and through neighbour letters to addresses bordering the site. This is in line with the Councils adopted Statement of Community Involvement. The end date for publicity was the 4<sup>th</sup> of August, 2017.

7.2 At the time of publication no representations have been received in regards to the proposed development.

### 8.0 **LOCAL MEMBER INVOLVEMENT**

8.1 The application is within Newsome Ward. The Members for Newsome Ward are Cllr Karen Allison, Cllr Andrew Cooper and Cllr Julie Stewart Turner. Following validation of the application local members were informed of the application.

8.2 Cllr Julie Stewart Turner and Cllr Andrew Cooper have expressed concerns over the proposal's lack of parking. Discussions are ongoing between the case officer and the Councillors on this matter.

## **8.0 CONSULTATION RESPONSES**

### **8.1 Statutory**

Canal and Rivers Trust: Raised concerns over ecological impact and have requested various conditions and a legal agreement to secure a financial contribution.

The Coal Authority: No objection.

### **8.2 Non-statutory**

Counter Terrorism Security Advisor: Consultation is ongoing.

Crime Prevention: Consultation is ongoing.

K.C. Business, Economy and Regeneration: Supportive of the proposal.

K.C. Conservation and Design: Supportive of the design in principle. Some suggestions and queries have been made on specific design elements. Discussions on the raised matters are ongoing.

K.C. Ecology Unit: Have requested that amendments and additional details be submitted in regards to the landscape proposal, to preserve and enhance the site's current ecological value. Also raise concerns over artificial lighting onto the canal, therefore have asked for a lighting strategy. Discussions on these matters are ongoing.

K.C. Environmental Health: No objection subject to conditions and notes related to contamination.

K.C. Highways: No objection, however Highways have requested that swept path analysis for emergency and service vehicles is provided.

K.C. Strategic Drainage: Awaiting comments.

K.C. Trees: No objection to the trees shown to be removed. However requested clarification on the trees located on adjacent land, which are of greater amenity value. Discussions are ongoing.

Yorkshire Water: Awaiting comments.

## 9.0 MAIN ISSUES

- Principle of development
- Urban design and landscaping
- Residential amenity
- Highway impact
- Drainage impact
- Other considerations
- Representations

## 10.0 APPRAISAL

### Principle of development

#### *Sustainable Development*

10.1 NPPF Paragraph 14 and PLP1 outline a presumption in favour of sustainable development. Paragraph 7 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation (Para.8). The dimensions of sustainable development will be considered throughout the proposal.

10.2 Conversely Paragraph 14 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

#### *Land allocation*

10.3 The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states;

*'Planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]'*

All these considerations are addressed later in this assessment.

10.4 The application must also be considered against TC12, as the site is within an 'area where industrial and warehousing development will normally be permitted'. While not falling within these criteria, the policy does not exclude other development. Given the site's close proximity to the larger university campus, and the gradual change in the character of the area, the use is considered appropriate within the area. In keeping with this, the site was historically allocated as Derelict Land within the UDP. Currently it is a vacant and levelled brownfield site. Policy DL1 states that derelict land will be brought back into beneficial use, to assist in the regeneration of the district. Subsequently to the adoption of the UDP, the 'Guidelines for Regeneration:

Firth Street Area' document has been published (2002). Within the document the area is designed as 'Town Centre Fringe' which is largely business orientated. Within this area regeneration is to be encouraged to bring about the revitalisation of the area. Paragraph 4.3 of the document states that '*the influence of the University is an important factor throughout the Firth Street area*' and '*significant investment has been made by the University leading to substantial improvements*'.

- 10.5 Consideration must also be given to the emerging local plan. The site is without notation on the PDLP Policies Map. PLP2 states that;

*All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...*

The site is within the Huddersfield sub-area. Policy PLP3, 'location of new development', requires development to reflect the characteristics of the surrounding area, while also supporting employment in a sustainable way. PLP7 relates to the efficient and effective use of land and buildings. The listed qualities and criteria of these policies will be considered where relevant later in this assessment.

*Weight of previous outline permission*

- 10.6 Until recently the site benefitted from Outline Planning Permission, via 2013/92907, for '*demolition of existing buildings and erection of educational development (D1) with associated access (Listed Building)*'. 2013/92907's grant of permission expired January 2017, without development commencing. While the permission has expired, the Planning Practice Guidance details that weight should be afforded to extant and recently expired permissions, where there has been no material change in circumstances'.
- 10.7 The proposal differs from 2013/92907 in that it is a full application. Nevertheless 2013/92907 established the principle of development to be acceptable. It is noted that since 2013/92907 the PDLP has gained weight as a policy document. Nonetheless the policies of the PDLP do not conflict with the proposal's principle of development.

**Question 1: Are there any comments that Members wish to make regarding policy issues and the principle of development at this stage?**

Urban design and landscaping

- 10.8 The proposal would introduce an additional large scale building to the campus which would be seen both at close quarters and at a distance. This includes views from within the campus, Firth Street and Huddersfield Ring-road. The development would therefore have the potential to impact

significantly on the visual amenity of the area, both during the day and at night when artificially illuminated. However, this needs to be considered in the context of other development in the area.

- 10.9 The University campus hosts building of various architectural designs. This includes re-purposed traditional buildings and purpose built education building. The mixture of historic and contemporary designs reflects the evolution of the campus over many decades. Furthermore the scale and massing of the buildings vary through the campus. It is considered that the Barbra Hepworth Building's scale would be in keeping with existing development on the campus, including the adjacent Canalside East and West buildings, the Oastler Building and the Central Services Building.
- 10.10 Considering the design of the above named buildings, each is unique in appearance and architectural form while suitably harmonising with one another and the overall character of the university. Assessing the Barbara Hepworth Building's design, the contemporary style and strong architectural image are considered to harmonise well with the other large buildings of the university. Likewise the mixture of materials is considered appropriate, with the stone base providing a traditional grounding to the building while the cladding provides a lightweight modern element. Notwithstanding this, if minded to approve, a condition will be sought requiring samples of the material to be provided for review. Regarding the glazing screen, the submitted design and access statement describes it as a 'textiles design' through a digital means to create an architectural 'veil'. While its use in principle is supported, the case officer is seeking further details to ensure that the glazing's transparency is maintained.
- 10.11 Landscaping works are proposed to the site's east, connecting the building's level 0 to the lower University Street and canal side. Through both hard and soft landscaping the level change is to be accomplished through terraces spaces and stairs, which will be used as both a connection route and a social space. The proposed arrangement is considered an acceptable response to the site's level change and will provide a suitable social area overlooking the canal. From a design perspective the removal of the site's existing trees and the proposed trees and planting are considered appropriate. Further details are being sought in regards to landscaping and connections to the building's east.
- 10.12 Subject to the details outlined, in principle officers considered that the development complies with Policies D2, BE1, BE2 and BE11 of the UDP, PLP24, PLP32 and PLP35 of the PDLP and Chapter 7 of the NPPF.

#### *Impact on Local Heritage Assets*

- 10.13. There are various listed buildings around the site. These include Thomas Broadbent and Sons Ltd Bath House (west) Army Reserve Centre (north) and Canalside East and West Buildings (east). The buildings are all Grade 2 Listed. Section 66 of Planning (Listed Buildings & Conservation Areas) Act 1990 introduces a general duty in respect of listed buildings. In considering

whether to grant planning permission for development which affects a listed building or its setting the Local Planning Authority should 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.

- 10.14 In accordance with Chapter 12 of the NPPF consideration must be given to the specific heritage value of the adjacent heritage assets. The Broadbent Bath House has social importance, given its rarity as a purpose built bathhouse for foundry workers. It retains original features internally, including fixtures and fittings. The Canalside East and West buildings are traditional mills, with architecture and character reflecting their origins. The Reserve Centre is likewise listed for its architectural merits and character as a purpose built drill hall. As none of the referenced Listed Buildings are within the site, the proposal will not directly impact upon their historic fabric/architecture. However consideration must be given to their setting.
- 10.15 In regards to the Bath House, the building's original setting has been lost through the demolition of the Broadbent Works, leaving it isolated adjacent to the current vacant site. The submitted heritage statement asserts that; *'The proposed development is an opportunity to provide a new broader setting to the listed building, removing this sense isolation, while ensuring that harm to the heritage asset is less than substantial'*. The case officer does not object to this assessment.
- 10.16 The proposed development is more distant to the other Listed Buildings, with each also being larger in scale than the Bath House and possessing more of an individual identity. As has been assessed the design of the Barbra Hepworth Building is considered appropriate in its setting and will not cause harm to the setting, and therefore significance of the neighbouring heritage assets. It is therefore concluded that the proposed development complies with S66 of the Act, PLP35 of the PDLP and Chapter 12 of the NPPF.

**Question 2: Are there any comments that Members wish to make with regards to Urban Design and landscaping issues, including the impact on adjacent heritage assets, at this stage?**

Residential amenity

- 10.17 There are no residential properties to the site's north, east or west. The closest building to the south, Canalside West, is university teaching space. Further to the south, in excess of 100.0m, is the Melting Point apartment complex.
- 10.18 While the proposed structure is large in scale, taking into account the separation distance, the comparable scale of previous development on site and that the Melting Point apartment complex does not directly face the application site, it is not considered that the proposal would result in overbearing, overshadowing or overlooking which would materially impact upon the amenity of residents of the Melting Point.



- 10.19 As the development includes an external public space noise pollution is a consideration. Nonetheless, the public space is not designed for performance or group activity, and will not create an undue level of noise. Therefore it is not anticipated to cause harm to the amenity of nearby residents, or be disruptive to nearby study spaces.

#### Highway impact

- 10.20 Currently inaccessible, the site of the former Broadbent Works benefits from vehicular access points on Queen Street South and St Paul's Street. The eastern part of the application site includes University Road, which adjoins to Commercial Street.
- 10.21 The proposal seeks to convert University Street into a pedestrian focused environment. This is to be achieved through removable bollards to restrict access. Similar works are to take place on St Paul's Street as part of the new Western Campus masterplan. This is to include a pedestrian link to Queens Street South and a Plaza; however details on this are currently limited and are not under consideration. Two pedestrian accesses into the Barbra Hepworth Building are proposed, one onto level 1 from St Paul's Street and another to level 0 from University Street. The design and access statement stipulates that; *'It is the intention generally to create new public realm [within the campus] with pedestrian priority. Vehicle access will be limited to accessible parking, service and emergency use only. This change of priority creates a safe and welcoming environment with increased flexibility for functional spaces'*.
- 10.22 The University has developed a travel plan which covers the period 2009 to 2017, and sets out a range of strategies, objectives and targets aimed to promoting sustainable modes of transport. As an ongoing Car Parking Strategy, outlined within the Travel Plan, the University is seeking to remove all general parking (while retaining adequate accessible spaces) from within Queensgate Campus. General parking is being moved to carparks on the campus' peripheries, such as on St Andrews Road and Firth Street. The overall aim of the Travel Plan is to make the campus more permeable, which will assist in prioritising the movements of cyclists, pedestrians and public transport users. The submitted Transport Assessment details that, over the time of the Travel Plan, the University has seen a decrease in single occupancy car journeys and an increase in train and walking as methods of commuting for staff.
- 10.23 In line with the Car Parking Strategy vehicular access to the proposed building will be limited to emergency services, service vehicles and cyclists. No parking spaces will be provided on site. The 25 parking spaces currently on University Street will be lost, reducing the campus' number of parking spaces from 690 to 665. The University has stated they intent to provide 25 additional parking spaces within the campus vicinity in the future, however the details are currently not known.

- 10.24 The application site is considered to be a highly sustainable location in terms of its links to the Town Centre and public transport provision. Taking this into account, in addition to the Universities Travel Plan and submitted Transport Assessment, it is concluded that the proposed development is acceptable from a Highways perspective. The Council's Highways Development Management Team has reviewed the proposals and has indicated that it does not wish to object to this development. They have however requested that further details be provided regarding access for service and emergency service vehicles. These have been requested and are pending.
- 10.25 Subject to satisfactory details in regards to service and emergency service vehicles it is therefore considered that it accords with UDP policies T10, T16 and T19.

**Question 3: Are there any comments that Members wish to make with regards to Highways issues at this stage?**

Drainage impact

- 10.26 The site is within Flood Zone 1. Foul and surface drainage are proposed via the mains sewer. Consultation has been undertaken with K.C. Strategic Drainage and Yorkshire Water; however at the time of the Position Statement report being published no response has been received. Members will be kept informed through the update or the subsequent formal recommendation report, where appropriate.

Other considerations

*Impact on Huddersfield Narrow Canal*

- 10.27 Huddersfield Narrow Canal is managed by the Canal and River Trust, who have been consulted as part of this application. The Trust has requested that the following be condition, if minded to approve; structural calculations adjacent to the canal, impact on operations to the waterway, further details on landscaping, and contamination mitigation.
- 10.28 Further to the above, the proposal would increase public interactions with the canal which in turn would increase demand for maintenance from the Trust. Therefore the Trust therefore seeks to improve the towpath between Wakefield Road and Queen Street South, to be funded via a S106 agreement for the full costs.
- 10.29 Discussions between the application's agent and the case officer are ongoing in regards to the Canal and River Trust's consultation response.

*Impact on ecology*

- 10.30 The site abuts the Huddersfield Narrow Canal Local Wildlife Site, which also forms a key component of the local green infrastructure resource, and has been included in the Kirklees Wildlife Habitat Network designation of the emerging Local Plan. Furthermore the site is within the identified bat alert layer.

- 10.31 The current landscape proposals will result in the loss of trees and shrubs adjacent to the canal, which currently contribute to the green infrastructure resource and are likely to be of particular value for foraging bats. The vegetation also provides a screening function by limiting light spill onto the canal corridor. Under the proposals the habitats adjacent to the canal will comprise mainly amenity mown grassland, which has very limited biodiversity value and will impact the screening function of this vegetation. In this location, such an impact may result in a significant adverse ecological effect.
- 10.32 Negotiations are ongoing in regards to the landscaping and its impact on local ecology.

*Impact on the local economy*

- 10.33 Chapter 1 of the NPPF established a general principle in favour of supporting economic development and growth. Paragraph 19 outlines the requirement for planning to '*operate to encourage growth and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system*'.
- 10.34 The proposed would have a direct benefit for the growth of the university. The Design and Access Statement stipulates that the Barbra Hepworth building is intended to be the catalyst and creative height of the new western campus area. The statement goes on to say;

*The application proposals represent another major investment by the University in upgrading, enhancing and extending its facilities and represent a significant boost to the objectives of their planned growth and the delivery of their overall Masterplan Framework.*

- 10.35 Indirectly the development will benefit Huddersfield Town Centre and the surrounding area through the creation of permanent jobs, temporary jobs during construction and the overall growth of the university. Considering the 'Kirklees Publication Draft Local Plan: Submitted for examination April 2017', the industrial units to the site's west are allocated as a 'priority employment zone'. Nevertheless the proposal is not considered detrimental to the business operations taking place.
- 10.36 In summary the proposal is considered to have a beneficially impact upon the local economy, in accordance with Chapter 1 of the National Planning Policy Framework.

*Crime prevention*

- 10.37 Negotiations are on-going between the case officer and agent following consultation with the Crime Prevention Officer and Counter Terrorism Security Advisor.

### *Pollution/Contamination*

- 10.38 UDP Policy G6 and PDLP Policy PLP53 state that development proposals will be considered having regard to available information on the contamination or instability of the land concerned. The future development of this site could result in existing on site contaminants being disturbed or the introduction of materials which could lead to the pollution of surface water or ground water regimes. Bearing in mind the proximity of this site with regard to the Huddersfield Narrow Canal, it is considered that it is important to ensure this risk is fully examined.
- 10.39 A Phase II Geo-Environmental Assessment has been submitted with the application, which has been reviewed by K.C. Environmental Health. The report is considered satisfactory, and identified that there are areas of contamination present on the site. Therefore conditions are to be imposed requiring a remediation and validation strategies to be submitted for review and implemented, if minded to approve.
- 10.40 Other contamination concerns relate to dust created during development, which can be a nuisance to nearby residents and businesses. In the interest of preventing this, a condition is to be imposed requiring a scheme to be submitted specifying measures to mitigate dust impacting on 3<sup>rd</sup> parties.
- 10.41 Subject to these conditions the proposal is deemed to comply with the requirement of Policy G6, PLP53 and Chapter 11 of the NPPF in regards to contamination.

### *Coal mining legacy*

- 10.42 Part of the site falls within an area identified as being at high risk of containing unrecorded historic coal mining workings at shallow depth. A Phase II Geo-Environmental Assessment has been provided with the application which has been reviewed by the Coal Authority. The Coal Authority has confirmed that they are satisfied that the issue of the potential for coal mining legacy to affect the proposed development has been adequately investigated.
- 10.43 Subject to a suitably worded condition, to ensure the recommendations and guidance contained within the Phase II Geo-Environmental Assessment are implemented, it is considered that the development complies with the requirements of G6 of the UDP, PLP53 of the PDLP and Chapter 11 of the NPPF.

**Question 4: Are there any comments that Members wish to make with regards to the identified other issues at this stage?**

## Representations

- 10.44 At the time of publication no public representations have been received. Any representations received post publication will be provided to members within the update and will be included within the formal recommendation report to members.

## **11.0 CONCLUSION**

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

## Background Papers

Application website link: <http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f92235>

Certificate of Ownership: Certificate B signed. Notice has been served on Kirklees Council (Physical resources and Procurement)

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## KIRKLEES METROPOLITAN COUNCIL

### PLANNING SERVICE

#### UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY

#### STRATEGIC PLANNING COMMITTEE

10 AUGUST 2017

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**Planning Application 2017/91623**

**Item 12 – Page 27**

#### **Erection of 59 dwellings and associated means of access**

**Land at, Dunford Road, Hade Edge, Holmfirth, HD9 2RT**

#### Amended Plans

A revised layout plan and an additional landscape plan have been submitted.

The revised layout plan has omitted 1 no dwelling which has improved some of the relationships between the proposed dwellings, the proposed number of dwellings is now 58. Officers consider however that whilst the majority of the site layout is acceptable further improvements could have been made to the south-eastern corner of the site which retains a cramped layout in parts. Applicants were requested to increase the space separation between dwellings and the boundaries of the site either by reducing the footprint of the units or by further reduction in numbers. The applicants have decided not to undertake further amendments beyond that recently undertaken. Taking a balanced view of the layout and the harm arising from not making further changes officers are of the opinion that on the whole this scheme is acceptable. There is also concern that the access way to the rear of plots 1-11 which proposes close boarded fencing either side does not achieve an attractive approach or natural surveillance. Whilst this is not ideal this is one small part of the development that is generally acceptable and not in itself a reason to refuse the application.

The planting scheme includes some tree and hedge planting, however landscape officers considered that the scheme did not go far enough in terms of mitigative planting in order to integrate the proposed urban nature of the development into the rural village landscape. This is particularly important considering the prominent nature of the site and the extent of development in relation to the existing village of Hade Edge. A landscaping condition is proposed and over time the landscaping will assist in reducing the overall impact of the development particularly when viewed from distance. The types and species of planting can be agreed through the condition discharge phase and is a matter of detail rather than principle.

#### Additional Information

A Landscape and Visual Impact Assessment has been received. A summary of the comments of the Council's Landscape architect are included below.

## *Assessment*

The report identifies the site as lying within local landscape character type D 'Moorland Fringes/Upland pastures' and within landscape character D7 Low Common, Royd Moor and Whitley Common. This is incorrect and should be D7 Peak Fringe Upland Pastures.

The report's Landscape Baseline assesses the site as being in a moderate condition and having a moderate landscape value. The Council's Landscape Architect notes the site has character and value as a local working landscape and part of the village plan. It has features worthy of conservation; a defined sense of place and some detracting features. The assessment of moderate is considered to be fair.

The report addresses the magnitude of the landscape effects upon the receptors in particular the effect on the North Peak District fringe the border of which is 1 Km to the south. The sensitivity of the landscape character is considered to be Medium. There will be more impact at a local level but the site will be seen from some medium and long distance views that are not the peak district edge; the impact is subjective and will depend on the design mitigation used to blend the development into the landscape.

The report states the magnitude of effects on landscape character is small; and the extent of the landscape change would be localised and confined to the immediate setting due to the existing vegetation and varied natural topography. It goes on to say the effect on the landscape character will be slight, bringing some change to the landscape and would not constitute an adverse landscape effect or significant environmental effect' The Council's Landscape architect considers the development will have an impact greater, and will be a matter of how well the impact can be mitigated by design and planting. The proposal will have a medium landscape impact.

The susceptibility and sensitivity of neighbouring residential visual receptors is considered to be High. The value of the receptors in close proximity such as on Dunford Road and Greave Road are considered to be High and at further distances, for example individual properties at Flight Road, Medium. The value of the view is judged because of the relatively moderate scale of the proposed development and intervening vegetation on the varied topography.

### *Assessment of Visual Effects on the Peak District National Park*

The Peak District Boundary is 1 Km south of the proposed site. Hade Edge sits on a lower Pennine plateau and the landscape rises to the edge of the higher plateau where the boundary line is along Bare Bones Road. It is agreed that the views from the Park boundary would be deemed to be of High sensitivity but actual magnitude of change would be assessed as Moderate from the viewpoints where the site can be seen and will have a slight effect on the National Park as a whole.

### *Landscape Strategy*

The landscape plan shows planting to the west boundary only along Dunford Road, there is no other planting except for sections of beech or hornbeam hedgerow and a few random trees on the east boundary; this does not form



any screen or filter of views. There are trees proposed for mostly front gardens; there are no rear garden trees which would form the screening and mitigation to outward views. There are no street trees. Hedgerows and supplementary planting do not flow together or join up to form biodiversity connectivity, there are no areas of planting dedicated to biodiversity or wildlife, there is no suggestion of this in the planting plan; there is no hint of how this landscape planting plan assimilates into the wider context; there is no consideration of the upland landscape, its micro-climates or local flora and fauna.

### *Overall Conclusions*

The site should be seen as characteristic and valuable as part of the local landscape and although within it is seen as moderate or of medium importance and should accept capacity to change, it needs to change within the context of the locality; it still requires to be part of the local landscape and the landscape plan does not express this. There is no consistency with existing areas of vegetation; there is no clear screening; there is no evidence of improved biodiversity and it is hard to understand what reinforces the landscape character of the locality. A correct landscape plan that pays some respect to the locality; that screens and mitigates views; that seeks to integrate with the locality and provides opportunities for nature and biodiversity would affect the necessary positive change that is required and negate any concerns over moderate effects.

The shortfalls with regard to the more comprehensive landscaping and less urban layout needs to be balanced against the positives of providing 58 dwellings in an area that is considered to be sustainable within and is preferential flood risk perspective. These positives and the economic benefits to the economy at a time when the council do not have a 5 year housing supply are considered to outweigh the other identified elements.

### Consultations

Comments are awaited from the Peak Park Authority.

The Local Authority has submitted a Habitats Regulation Assessment to Natural England. The comments from Natural England are awaited.

### Draft Section 106 Agreement

The applicants have provided a draft Section 106 agreement. The applicant has agreed to provide the following contributions:

- (i) secure the provision of 20 % of total number of dwellings as Affordable Housing on the Site;
- (ii) secure the payment of the Public Open Space Contribution in the sum of £256,474
- (iii) secure the payment of the Education Contribution in the sum of £250,400; and

- (iv) secure the payment of the sum of £31,762.50 towards Travel Plan measures.

### Representations

The Hade Edge Community Group has submitted a number of questions to officers and the applicant. The questions are detailed below, together with the responses from officers, and a separate response from the applicant.

- Are the observations made towards the current character and design of Hade Edge correct? Could Kirklees have a tainted or unrealistic view? We would urge the officers who look at the design and character to take a closer look at our village and take more account of the current character and feel.

**Response:** Officers negotiated with with the applicant to secure the best possible design and layout and more extensive mitigative planting. The applicants provided some of the requirements and given the benefits of the provision of housing the scheme is considered on the whole to be acceptable.

- Notwithstanding the fact that 100% of the village is constructed from natural stone and the houses in close proximity to the location of the proposed development are constructed from quality natural sand stone, why would a design including render and artificial stone be considered appropriate?

**Response:** Officers have advised the applicant that the use of natural stone will be acceptable. The use of render and artificial stone is not appropriate in the sensitive areas of the site however the further into the centre of the site where it is less visible limited use of these materials would be acceptable and their impact would be limited on wider views.

- Concerns have been raised regarding the huge visual impact the development will have from other parts of the valley due to its size and design. It is also encroaching on the views and environment of the National Park. Why have Kirklees not considered or suggested alternative layouts which do not impact in the same way?

**Response:** Officers have negotiated with the applicant to secure improvements to the design of the layout and more extensive mitigative planting. The proposal as it stands is as far as the applicants have been prepared to provide. The layout is not considered to justify refusal of planning permission.

- When considering the issues with the layouts of other estates in Hade Edge; have Kirklees or Jones Homes looked at the possibility of providing two points of access for vehicles onto Dunford Road?

**Response:** Officers have assessed the proposal submitted which is for one access point onto Dunford Road and two points are access would not be required or justified for a development of this scale.

- Not once has the impact the proposed development will have on us the current residents of Hade Edge been considered. How can the Council officers be so far at odds from the views and feeling of the local residents? Are you aware of the strength of feeling within the village?  
**Response:** Officers have taken into account all representations submitted.

- “The proposals submitted within the Design & Access Statement illustrate development which is entirely at odds with both the local landscape and traditional vernacular of Hade Edge. It is possible that good design could begin to alleviate some of the issues of design congruency” (Stephenson Halliday). Why has good design and proposals which will enhance the landscape not been insisted on by Kirklees rather than accepting the low quality design from Jones Homes?  
**Response:** Officers have negotiated with the applicant to secure improvements to the design of the layout and more extensive mitigative planting. The proposal as it stands is as far as the applicants have been prepared to provide. The layout is not considered to justify refusal of planning permission

The layout shows the houses to be very close together with little space between". We agree with the comment from the Council's Streetscene and Housing Landscape so how do Jones Homes and officers justify that density and layout are acceptable?

- **Response:** The density of the development is not significantly dissimilar to that found elsewhere in the village. Officers secured the removal of one plot which has opened up the space within the site to a degree. Further amendments would be desirable reflecting the comments of officers and those of the local community but the layout is at a point where refusal on grounds of poor design would be difficult to substantiate.

The applicant has made the following comments:

**Public Consultation:** The HECG representation raises concerns over the perceived lack of engagement with the community. We would respond that both the outline application and this submission have been subject to public consultation and we have complied with local and national planning guidance in this respect. Approximately 175 local houses were subject to a leaflet drop, inviting comments and suggestions in respect of the proposals.

Receipt of responses from 43 households indicates a wide awareness of the proposals. Unfortunately, a significant proportion of respondents (as detailed in the Statement of Community Involvement) chose not to engage with the majority of the questionnaire.

In addition to the application consultation processes, the site has been subject to widespread public consultation through the lengthy Local Plan process.

**Materials:** We are proposing a mix of materials to ensure visual interest in the development. Although the site is not within a Conservation Area, natural stone is proposed to the plots fronting onto Dunford Road and close to the listed Chapel. Artificial stone also represents a sustainable resource. Taking these factors into account, we consider that an appropriate mix of materials is proposed.

**Access points:** No objections have been raised by Highway Officers in respect of the provision of a single access point - this is typical of a development of this size and it is unclear what benefits a second access would bring in terms of highway safety. Furthermore, a second access point would reduce the efficiency of the use of the land, by reducing the number of dwellings achievable on the site.

**Layout/density:** As set out in detail in the Planning Statement, the proposed development has been reduced in terms of number of dwellings (down to 59). The proposed density is 23.6 dwellings per hectare, which is below the 30 dwellings per hectare minimum which the draft Local Plan policy DLP6 requires. It also compares favourably (in terms of being low density) with existing development in the village of Hade Edge. Nevertheless, in response to Officers' comments, the spacing between plots 33-37 has been revisited. This has resulted in amended plans being submitted with alterations to house types which increases spacing between these properties. The proposed number of units also enables Jones |Homes to offer full Section 106 contributions, including the delivery of 12 affordable homes - a reduced number of dwellings could impact on this position.

An additional representation has also been received from the Hade Edge Community Group regarding biodiversity. The Council's ecologist has made the following comments:

- It is clear that the HEFF group object to the development of the site and have researched relevant policy and legislation that supports this objection. Much of the cited policies appear relevant, but not necessarily in respect of biodiversity.
- I have only summarised the objection and identify specific policies that may need further assessment.
- With regards to HRA, the letter seems to claim that the Local Plan HRA is not legally compliant, and that no project level HRA has been undertaken. The objection letter does not demonstrate a complete understanding of the purpose of or process requirements of Habitat Regulations Assessment. The letter is premature in claiming that no project level HRA has been undertaken, and the Local Plan HRA is considered by Kirklees Council to be legally compliant.

**Outline application for residential development and convenience store, and provision of open space**

**Land at, Dunford Road, Hade Edge, Holmfirth, HD9 2RT**

Red Line Boundary

The red line boundary in the committee report includes an area of land within the green belt. In the interests of clarity this has been omitted from the proposed application.

Representations

In so far as the concerns raised by residents have not been previously addressed:

Infilling this open land would result in the loss of this attractive landscaping setting and replace it with views of modern houses in a suburban housing estate.

**Response:** The proposed layout is indicative, however it is considered that the significant improvements could be made at reserved matter stage with respect to the number and layout of the dwellings.

The development would result in harm to open views from publically accessible points within the National Park and to views from Hade Edge to the National Park.

**Response:** The proposed layout is indicative and this is a matter which would be considered as reserved matters,

The site should be considered as a 'valued landscape' in terms of paragraph 109 of the NPPF and warrants protection.

**Response:** The site is not considered to be an elevated landscape within the meaning of paragraph 109 of the NPPF.

Concern the proposal will swamp the village. 66 houses are being shoehorned into an area that is occupied by 23 or 24 houses on the other side of Dunford Road.

**Response:** The proposed layout is indicative and this is a matter which would be considered as reserved matters,

Concern about the impact due to the proximity to a Turkey and Poultry Farm. This is a source of noise and gives rise to the potential for conflict and disturbance.

**Response:** Environmental Services have considered this matter but due to the distance of the proposed development to the Turkey Farm do not consider the proposal would have any detrimental impact on future residents. The viability of the Turkey Farm would therefore be unaffected.

The retail unit with the scheme is intended to provide some compensation for the poor sustainability credentials of the site. The store is too small to be viable. Little weight can be attached to the shop as a beneficial part of the proposal.

**Response:** The proposed shop is not considered to be fundamental to the overall sustainability of the proposed scheme.

It would be a detriment to the Junior and Infant school that are struggling for spaces for local children. Transport to Holmfirth High School would additionally add a costly overhead.

**Response:** In line with the requirements of 'Providing for Education Needs Generated by New Housing' (KMC Policy Guidance), the proposed development attracts a contribution towards additional School Places it would generate. In order to satisfy a shortfall in additional school places generated by the development, an education contribution of £250,400 is required. The applicant has agreed to pay the full requirement.

There is no need for this kind of open market housing development in the village. The highest priority in the Kirklees area is for 1 and 2 bedroom affordable starter homes.

**Response:** The Council cannot demonstrate a five year housing supply. In these circumstances the proposal for housing is given significant weight.

Frequent interruptions to electric and water supply.

**Response:** This matter is noted but it is not a reason to refuse the application.

Holme Valley Parish Council object to the application due to concerns raised about the impact on rural community, the lack of infrastructure, sewerage and public transport. They consider development is not sustainable in this location and this site should be retained as safeguarded land. There are also concerns about the over-intensification within a rural Greenfield site and that Hade Edge is more suitable for organic growth and would support a smaller, better mix of housing (including more one or two bedroom properties, affordable housing, and properties for first time buyers and the elderly).

**Response:** The Council's stance on the principle of development is set out in the committee report. The application is an outline application however it is considered a scheme could be brought forward at reserved matter stage which would preserve the landscape character of the area.

Holme Valley Parish Council have also raised concerns about access and insufficient onsite parking, that there is no alternative parking on Dunford Road or Sheffield Road which are already congested and could not cope with the additional vehicles generated from this proposed development.

**Response:** Highways DM have assessed the proposal and do not object to the scheme subject to conditions and a financial contribution towards a Travel Plan measures to assist in providing incentives to encourage the use of public transport and other sustainable travel modes.

**Erection of training facility building with ancillary sports areas and demolition of existing pavilion**

**Woodfield Park Sports and Social Club, Meltham Road, Lockwood, Huddersfield, HD4 7BG**

Additional Highway Condition:

Highway Services have suggested an additional condition requiring an access and car park management plan. The purpose of the condition is to control and manage traffic including any coaches on match days in the interests of highway safety.

14. Access and Car Park Management Plan

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**Outline application for erection of industrial development for B1 (business), B2 (general industry), and B8 (storage and distribution) uses**

**Station Road, Bradley, Huddersfield, HD2 1UT**

Additional Highway Detail

Following additional consultation with the Council Highways DM service, concerns were raised regarding the pedestrian accessibility of the proposed development. In particular, the original plans did not show appropriate pedestrian access from the proposed access across the single lane bridge.

The plans have been amended and a new pedestrian button and pole and dropped kerb have been included. Highways DM have assessed the amended plan and consider it acceptable, particularly owing to the low level of pedestrian movements anticipated.

The proposal requires amendments to the existing traffic signal sequencing and the insertion of new traffic signals. Consequently, an **additional planning condition is recommended requiring the submission of a traffic signal scheme, phasing and monitoring plan.**

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Outline application for residential development

Oak Mill, Cliff Hollins Lane, East Bierley, BD12 7ER

**7.0 PUBLIC/LOCAL RESPONSE:**

7.1 The application was advertised by site notice and neighbour notification letters.

7.2 5 letters of objection were received in addition to comments from Councillor Andrew Pinnock. The concerns raised are summarised below:

Highway safety/access/Traffic  
Pedestrian safety  
Visibility  
Flood risk  
Lack of school places & facilities  
Land contamination

7.3 Councillor Andrew Pinnock's comments are summarised below:

- Generally OK with the plans.
- Highways is of some concern, because the site is adjacent to a narrow bridge and to some rather sharp bends. The whole of Cliff Hollins Lane (except for the first part at the Oakenshaw end) is narrow, including the bit at the site entrance, where there is also an access to the three houses at The Cringles.
- Not clear as to the usage of the site in recent years, so am not able to assess the impact of this new development.

Representations

10.32 Five representations, in addition to comments from Councillor Andrew Pinnock, have been received. In so far as they have not been addressed above:

Highway safety/access/Traffic

**Response:** The application has been fully assessed taking into account the improvements that the development would introduce. As such it is considered that the development would not result in any detrimental impact to highway safety.

Pedestrian safety

**Response:** The proposals include improvements to the access and highway including the provision of a footway. The development will therefore improve connectivity and highway safety for pedestrians.



## Visibility

**Response:** The application has been fully assessed taking into account the improvements that the development would introduce that include to visibility. As such it is considered that the development would not result in any detrimental impact to highway safety.

## Flood risk & drainage:

**Response:** The application is accompanied by a Flood Risk Assessment, Sequential and Exceptions test which are considered acceptable for the purposes of determine this application. The assessment demonstrates that the development will not lead to any further increase in flood risk in the area and shows that mitigation measures should lead to a decrease in risk.

## Lack of school places & facilities

**Response:** The development is under the threshold for seeking contribution towards the provision of education.

## Land contamination

**Response:** Environmental Health have commented on matters regarding land contamination and conditions are recommended to ensure the land would not pose risk to human health.

## Additional Conditions

Details of the developable and undeveloped balance of the site will be submitted at Reserved Matters to accord with proposed site plan PL-003 Rev.

Any existing buildings/ structures located outside of the developable area shall be removed from the site and the land landscaped accordingly.

Reason: To improve the openness of the Green Belt and for the avoidance of doubt at Reserved matters stage.

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**Planning Application 2017/92235**

**Item 21 – Page 149**

## **Erection of new education building with the associated landscaping**

**University of Huddersfield, Queens Street South, Huddersfield.**

## Consultations

K.C. Strategic Drainage: Object to the proposal. The submitted Flood Risk Assessment includes partial out of date information, lacks sufficient information from flood risk from the canal (including mitigation) and requires further details on the proposed drainage.

Yorkshire Water: Object to the proposed development as insufficient information has been provided on the proposal's impact upon underground public water supply and sewerage infrastructure.

The applicant is reviewing K.C. Strategic Drainage and Yorkshire Water's comments with a view to respond accordingly. As the matter progresses members will be kept informed through the subsequent formal recommendation report.

### Representations

Since the Officer's Report was published one public representation has been received. The following is a summary of the concerns raised.

- While the commenter has no specific objection to the proposal, concern is raised over the security impact, during construction and afterwards, upon the adjacent Huddersfield Drill Hall.

**Response:** Consultation is ongoing with the Police Architectural Liaison Officer and the Counter Terrorism Security Advisor. However neither of these groups will look specifically at the relationship with the Drill Hall. The case officer has requested that the University provide a statement on this matter, and open a dialogue with the Drill Hall. This is ongoing.

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