

Public Document Pack



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

Julie Muscroft

Governance and Democratic Services

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Wednesday 30 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 7 September 2017**.

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

This meeting will be webcast live and will be available to view via the Council's website.

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

A handwritten signature in black ink, appearing to read "Julie Muscroft", on a light-colored background.

Julie Muscroft

Service Director – Legal, Governance and Commissioning

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

The Strategic Planning Committee members are:-

Member

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

When a Strategic Planning Committee member cannot be at the meeting another member can attend in their place from the list below:-

Substitutes Panel

Conservative

D Bellamy
N Patrick
G Wilson
J Taylor

Green

K Allison
A Cooper

Independent

C Greaves
T Lyons

Labour

E Firth
C Scott
M Sokhal
S Ullah
S Pandor

Liberal Democrat

J Lawson
A Marchington
L Wilkinson

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Committee

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

2: Minutes of the Previous Meeting

1 - 8

To approve the Minutes of the meeting of the Committee held on Tuesday 10 August 2017.

3: Interests and Lobbying

9 - 10

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

4: Admission of the Public

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

5: Public Question Time

The Committee will hear any questions from the general public.

6: Deputations/Petitions

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

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

7: Site Visit - Application No: 2017/92235

Erection of new education building with the associated landscaping University of Huddersfield, Queens Street South, Huddersfield.

(Estimated time of arrival at site – 9.45am)

Contact Officer: Nick Hirst, Planning Services

Wards

Affected: Newsome

8: Site Visit - Application No: 2017/92268

Erection of extensions, alterations to roofs and elevations and installation of sprinkler tank and pump house Cummins Turbo Technology, St Andrew's Road, Huddersfield.

(Estimated time of arrival at site – 10.10am)

Contact Officer: Nick Hirst, Planning Services

Wards

Affected: Dalton

9: Site Visit - Application No: 2016/93948

Formation of landfill incorporating access and turning facilities and erection of temporary fencing Land North West, Hog Close Lane, Holmfirth.

(Estimated time of arrival at site – 10.20am)

Contact Officer: Glenn Wakefield

APPLICATION WITHDRAWN – at the request of the Applicant.

Wards

Affected: Holme Valley South

10: Site Visit - Application No: 2017/92237

Erection of extension to warehouse and formation of car parking area J Roberts Bronze Components, St Peg Lane, Cleckheaton.

(Estimated time of arrival at site – 10.40am)

Contact Officer: Louise Bearcroft, Planning Services

Wards

Affected: Cleckheaton

11: Site Visit - Application No: 2017/91221

Outline application for erection of 18 apartments adj, 5, Hartshead Court, Hightown, Liversedge.

(Estimated time of arrival at site – 11.10am)

Contact Officer: Bill Topping, Planning Services

Wards

Affected: Liversedge and Gomersal

12: Local Authority Planning Appeals

11 - 14

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

Planning Applications

15 - 18

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

Please note that any members of the public who wish to speak at the meeting must register to speak by 5.00pm (for phone requests) or 11:59pm (for email requests) by no later than Monday 4 September 2017.

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

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

- 13: Planning Application - Application No: 2017/92268** 19 - 30
- Erection of extensions, alterations to roofs and elevations and installation of sprinkler tank and pump house Cummins Turbo Technology, St Andrew's Road, Huddersfield.
- Contact Officer: Nick Hirst
- Wards**
Affected: Dalton
-
- 14: Planning Application - Application No: 2017/92235** 31 - 48
- Erection of new education building with the associated landscaping University of Huddersfield, Queens Street South, Huddersfield.
- Contact Officer: Nick Hirst, Planning Services.
- Wards**
Affected: Newsome
-
- 15: Planning Application - Application No: 2017/90207** 49 - 58
- Outline application for erection of B1 light industry Thongsbridge Mills, Miry Lane, Thongsbridge, Holmfirth.
- Contact Officer: Matthew Woodward, Planning Services.
- Wards**
Affected: Holme Valley South
-
- 16: Planning Application - Application No: 2017/92237** 59 - 66
- Erection of extension to warehouse and formation of car parking area J Roberts Bronze Components, St Peg Lane, Cleckheaton.
- Contact Officer: Louise Bearcroft, Planning Services
- Wards**
Affected: Cleckheaton
-
- 17: Planning Application - Application No: 2017/92233** 67 - 78
- Outline application for erection of 34 no. dwellings Land at Abbey Road North, Shepley, Huddersfield.
- Contact Officer: Bill Topping, Planning Services
- Wards**
Affected: Kirkburton
-

18: Planning Application - Application No: 2017/91221 79 - 90

Outline application for erection of 18 apartments adj, 5, Hartshead Court, Hightown, Liversedge.

Contact Officer: Bill Topping, Planning Services

Wards

Affected: Liversedge and Gomersal

19: Planning Application - Application No: 2016/93948 91 - 108

Formation of landfill incorporating access and turning facilities and erection of temporary fencing Land North West, Hog Close Lane, Holmfirth.

Contact Officer: Glenn Wakefield, Planning Services

APPLICATION WITHDRAWN – at the request of the Applicant.

Wards

Affected: Holme Valley South

Planning Update

109 -
116

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

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Contact Officer: Andrea Woodside

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 10th August 2017

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

1 Membership of the Committee

Councillor Lawson substituted for Councillor A Pinnock.

2 Minutes of the Previous Meeting

Approved as a correct record.

3 Interests and Lobbying

There were no declarations of interests or lobbying.

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

No deputations or petitions were received.

7 Site Visit - Application No: 2017/91623

Site Visit undertaken.

8 Site Visit - Application No: 2016/91967

Site Visit undertaken.

9 Site Visit - Application No: 2017/91111

Site Visit undertaken.

10 Site Visit - Application No: 2017/91502

Site Visit undertaken.

11 Local Authority Planning Appeals

The Committee received a report which set out decisions which had been taken by the Planning Inspectorate in respect of decisions submitted against the decisions of the Local Planning Authority.

RESOLVED -

That the report be noted.

12 Planning Application - Application No: 2017/91623

The Committee gave consideration to Planning Application 2017/91623 – Erection of 59 dwellings and associated means of access at land at Dunford Road, Hade Edge, Holmfirth.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Penny Townsend, Martin Ingham, John Dalton, Julie McDonald and Steve Sykes (local residents) and Jonathan Ainley (applicant's agent).

Under the provisions of Council Procedure Rule 36 (1), the Committee received representations from Councillors Patrick and Sims (Ward Members).

RESOLVED –

That the application be deferred to allow further discussions to take place with the applicant regarding design and highways improvements, the details of section 106 agreement and consideration of the outstanding consultation response from the PEAK Park Authority.

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

For: Councillors S Hall, Lawson, Kane and Pattison (4 votes)

Against: Councillors Armer and D Firth (2 votes)

13 Planning Application - Application No: 2016/91967

The Committee gave consideration to Planning Application 2017/91967 – Outline application for residential development and convenience store, and provision of open space land at Dunford Road, Hade Edge, Holmfirth.

RESOLVED –

That the application be deferred to allow further discussions to take place with the applicant regarding design and highways improvements, the details of section 106 agreement and consideration of the outstanding consultation response from the PEAK Park Authority.

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

For: Councillors S Hall, Lawson, Kane and Pattison (4 votes)

Against: Councillors Armer and D Firth (2 votes)

14 Planning Application - Application No: 2016/92702

The Committee gave consideration to Planning Application 2016/92702 – Erection of training facility building with ancillary sports areas and demolition of existing pavilion at Woodfield Park Sports and Social Club, Meltham Road, Lockwood.

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; the development shall commence within three years of the date of the approval, the development shall be completed in accordance with the approved plans, samples of materials shall be inspected prior to the erection of the functional flood plain, submission of a survey of the location/size/depth/condition of the culverted ordinary watercourse, scheme detailing foul/surface water/land draining, a report specifying the measures to be taken to protect the occupants of nearby noise sensitive premises from noise, a lighting scheme, a low emissions travel plan, provision of charging plug in points, access improvements/surfacing/drainage/kerbing, layout and parking details including overflow parking, details of community use and access to facilities for local teams, and access and car park management plan.

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

For: Councillors D Firth, S Hall, Lawson, Kane and Pattison (5 votes)

Against: Councillor Armer (1 vote)

15 Planning Application - Application No: 2017/91111

The Committee gave consideration to Planning Application 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.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Andrew Windress (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; standard condition outlining all reserved matters to be submitted, reference to approved plans, reserved matters to be submitted within 3 years and development commenced within 2 years of final reserved matters, drainage conditions covering details of existing culverts within the site to be submitted with reserved matters (layout), foul and surface water drainage to be submitted with reserved matters (layout), contaminated land conditions including a Phase 1 report, noise report, crime prevention measures, ecological enhancement measures to be incorporated into landscaping, boundary treatments, cycle parking, demolition method statement, finished floor levels, full details of proposed access including sections, reserved matters (layout) to include a link to Calder Valley Greenway, landscaping scheme shall include trees to be retained, and the submission of a traffic signal scheme, phasing and monitoring plan.

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

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

Against: (No votes)

16 Planning Application - Application No: 2017/91502

The Committee gave consideration to Planning Application 2017/91502 – Demolition of existing store and erection of extension to manufacturing unit (part-retrospective) at Whiteford Felt and Filings Ltd, Clough Mill, Grove Street, Longwood, Huddersfield.

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 matters relating to ; approved plans, approved flood risk assessment, details of materials, noise report, unexpected contamination, soft landscaping scheme, ecological enhancement, the provision of parking spaces and stability of rear bank.

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

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

Against: (No votes)

17 Planning Application - Application No: 2017/90096

The Committee gave consideration to Planning Application 2017/90096 – Change of use of land as scrambler bike track and formation of hard standing for parking and access at land adjacent to New Hey Road, Scammonden, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Susan Russell (local resident).

Under the provisions of Council Procedure Rule 36 (1), the Committee received a representation from Councillor Bellamy (Ward Member).

RESOLVED -

That application be refused on the grounds that;

- (i) 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.
- (ii) 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.
- (iii) 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.
- (iv) 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.
- (v) 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.

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

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

Against: (No votes)

18 Planning Application - Application No: 2016/92664

The Committee gave consideration to Planning Application 2016/92664 – Outline application for residential development at Oak Mill, Cliff Hollins Lane, East Bierley.

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

RESOLVED -

- 1) That authority be delegated to the Head of Development Management to approve the application, issue the decision notice, secure a S106 agreement in regards to (i) an off-site contribution towards affordable housing, (ii) on site public open space and (iii) agreed maintenance and management for the drainage solution, and complete the list of conditions including; standard conditions to secure reserved matters, noise, contaminated land, sustainable transport, ecological design strategy, drainage details, watercourse enclosure/alterations, flood mitigation works, overland flood routing, temporary drainage provision, affordable housing, public open space, footway and road widening in addition to highway works, retaining walls and structures near or abutting the highway and construction traffic access.
- 2) That, pursuant to (1) 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 S Hall, Lawson and Pattison (3 votes)

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

The application was determined by virtue of the Chair's casting vote in accordance with Council Procedure Rule 42 (2).

19 Planning Application - Application No: 2017/92026

The Committee gave consideration to Planning Application 2017/92026 – Redevelopment of 3 dwellings and adjoining barn to create 2 dwellings with parking and gardens at 1-3 Sugden Street, Oakenshaw, Bradford.

RESOLVED –

That, in accordance with Section 101 (1) of the Local Government Act 1972, the application be delegated to Bradford Metropolitan Council for determination.

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

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

Against: (No votes)

20 Pre-application - Co-operative Building, New Street, Huddersfield

The Committee received a pre-application report and presentation in respect of a conversion of an existing mixed use building to 140 bedroom student accommodation with three storey rooftop extension and side extension at Co-operative Building New Street, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Colin Blair, Director of Estates and Facilities, Huddersfield University.

RESOLVED –

That the pre-application presentation be received and noted.

21 Position Statement - Application No: 2017/92235

The Committee received a position statement in respect of the erection of a new education building with associated landscaping at the University of Huddersfield at Queen Street South, Huddersfield.

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

RESOLVED –

That the position statement be received and noted.

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

LOBBYING

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

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

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

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

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

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

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

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

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

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

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

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

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

Lobbying

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

Name of meeting: STRATEGIC PLANNING COMMITTEE

Date: 7 SEPTEMBER 2017

Title of report: LOCAL PLANNING AUTHORITY APPEALS

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

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not applicable
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports) ?	No
The Decision - Is it eligible for "call in" by Scrutiny?	No
Date signed off by Service Director - Economy, Regeneration & Culture	Paul Kemp 29 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 (Strategic Planning, Regeneration & Transport) (Councillor P McBride)

Electoral wards affected: 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 2016/60/93746/E - Outline application for erection of up to 200 dwellings and formation of public open space (within a Conservation Area) at Fieldhead Farm, White Lee Road, White Lee, Batley, WF17 8AF. (Strategic Committee) (Appeal against non-determination of application withdrawn)

3. Implications for the Council

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

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

4. Consultees and their opinions

Not applicable, the report is for information only

5. Next steps

Not applicable, the report is for information only

6. Officer recommendations and reasons

To note

7. Cabinet portfolio holder recommendation

Not applicable

8. Contact officer

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

9. Background Papers and History of Decisions

Not applicable

10. Service Director responsible

Paul Kemp



The Planning Inspectorate

Room 3/O
Temple Quay House
2 The Square
Bristol
BS1 6PN

Direct Line: 0303 444 5402
Customer Services:
0303 444 5000

Email:
Peter.Kozak@pins.gsi.gov.uk

www.gov.uk/planning-inspectorate

Simon Taylor
Kirklees Metropolitan Council
PO Box B 93
Development Control
Civic Centre 3
Huddersfield
HD1 2JR

Your Ref: 2016/93746
Our Ref: APP/Z4718/W/17/3171852

09 August 2017

Dear Mr Taylor,

Town and Country Planning Act 1990
Appeal by Hallam Land Management
Site Address: Land at Fieldhead Farm, White Lee Road, Batley, West Yorkshire,
WF17 8AQ (nearest)

I enclose for your information a copy of a letter received withdrawing the above appeal.

I confirm no further action will be taken.

Yours sincerely,

Peter Kozak
Peter Kozak

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is - www.planningportal.gov.uk/planning/appeals/online/search



Our Ref: JD/LJJ/JID1941

8th August 2017

Peter Kozak
The Planning Inspectorate
Room 3/0 Temple Quay House
2 The Square
Bristol
BS1 6PN

Sent by email: peter.kozak@pins.gsi.gov.uk

Dear Peter

APPEAL BY HALLAM LAND MANAGEMENT – LAND AT FIELDHEAD FARM, WHITE LEE ROAD, BATLEY, WEST YORKSHIRE – PINS REF: APP/Z4718/W/17/3171852

I refer to the aforementioned appeal which is due to be heard at Public Inquiry commencing the 10th October 2017.

We are now in receipt of a very recent appeal decision (26th July 2017) relating to land adjoining the Hallam Land appeal site which was defended by the Council on identical policy grounds to the current Hallam Land appeal. The decision on the adjoining land (3162164) dismissed the appeal.

I would advise that the Appellant and their advisers have considered the implications of this recent appeal decision for the current appeal.

In the light of this appeal decision, the Appellants have decided to withdraw the current appeal and as such I would welcome receiving your confirmation that the appeal is now withdrawn.

I look forward to hearing from you at the earliest opportunity however should you wish to discuss the matter, please do not hesitate to contact me.

Yours sincerely

**Jonathan Dunbavin BSc MCD MRTPI
Director**

Cc Anthony Greaves – Hallam Land
Rebecca Wasse - Hallam Land
Richard Sagar – Walker Morris
Gary Holliday – FPCR
Phil Owen – Optima Highways
Mathias Franklin – Kirklees Council

a: Atlas House, 31 King Street, Leeds LS1 2HL t: 0113 243 6116 f: 0113 245 9042
a: 7th Floor, The Balance, Pinfold Street, Sheffield, S1 2GU t: 0114 354 0220
a: Alder House, Willow Tree Park, Booths Lane, Lymm, Cheshire, WA13 0GH t: 0845 604 4665
w: www.idplanning.co.uk

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

PLANNING POLICY

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

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

The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

National Policy/ Guidelines

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, the Planning Practice Guidance Suite (PPGS) launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

REPRESENTATIONS

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

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

EQUALITY ISSUES

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

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

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

HUMAN RIGHTS

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

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

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

PLANNING CONDITIONS AND OBLIGATIONS

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

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

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

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

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

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

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Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 07-Sep-2017

Subject: Planning Application 2017/92268 Erection of extensions, alterations to roofs and elevations and installation of sprinkler tank and pump house Cummins Turbo Technology, St Andrew's Road, Huddersfield, HD1 6RA

APPLICANT

Cummins Turbo
Technologies Ltd

DATE VALID

29-Jun-2017

TARGET DATE

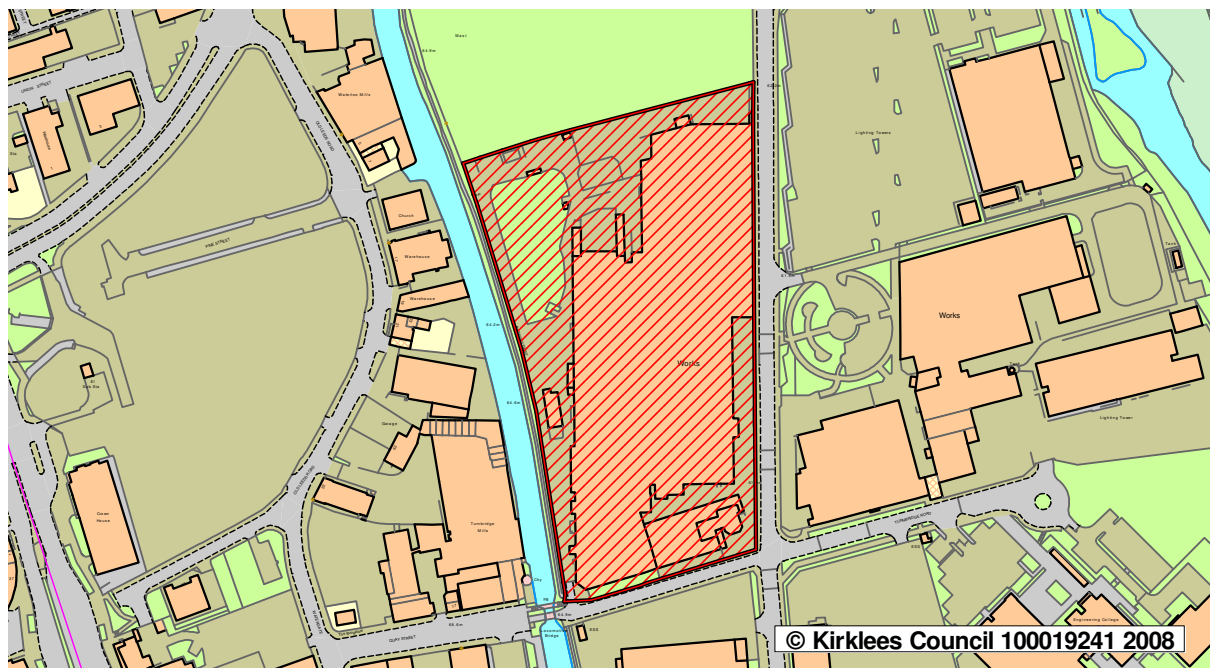
28-Sep-2017

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Dalton

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:

Finalise negotiations on outstanding technical matters relating to Yorkshire Water and The Coal Authority.

Complete the list of conditions including those contained within this report (and any added by the Committee).

1.0 INTRODUCTION

- 1.1 This is a full planning application seeking the erection of extensions, alterations to the roof and elevations and the installation of a sprinkler tank and pump house to a commercial / industrial building.
- 1.2 The application is brought to Strategic Committee given the size of the site's area, which exceeds 0.5 ha, in accordance with the Council's delegation agreement.

2.0 SITE AND SURROUNDINGS

- 2.1 The site is approx.280m to the east of Huddersfield Town Centre's ring-road (Southgate), adjacent to St Andrew's Road. The surrounding area principally consists of commercial and light industrial premises.
- 2.2 Cummins is an engineering firm split over two compounds on the east and west sides of St Andrew's Road. Both compounds host large structures; however as the newer site the east has more modern designed buildings. Engineering, deliveries, offices and staff facilities are present on both sites.
- 2.3 The application relates to the west site, which has an area of 2.65 ha. The principal building on site covers the majority of the site area and is split into several bays. The vehicle access onto St Andrew's Road is to the site's north. The site is boarded by St Andrew's Road to the east, Huddersfield Broad Canal to the west and the former gasworks site to the north. To the south is Quay Street, which includes a Locomotive Bridge over the canal which is a scheduled monument.

3.0 PROPOSAL

- 3.1 The roof of Bay 9 and 10 are to be raised, replacing the current north-light style roofs with flat roofs. This includes a maximum increase in height of 3.35m for Bay 9 and 3.6m for Bay 10. Bay 9 and 10's east and west elevations, and new roofing, are to be re-clad in insulated metal cladding (Kingspan KS1000RW Trapezoidal profiled insulated panels). The desired colour is grey; however the shade is unknown at this stage (it has been requested that this be secured via condition). The existing lower course of brickwork, where remaining visible, will be re-pointed using a colour matching mortar.
- 3.2 The Bay 9 extension is to provide a stairwell. It is to be located within bay 9's existing right angle, adjacent to St Andrew's Road. The extension is to project 5.4m and be 8.3m wide. It is to be two storeys, with a flat roof with a maximum height of 9.45m. It is to be faced in dark grey cladding panels (Benchmark by Kingspan ACM).
- 3.3 A link extension is to be formed between bays 11 and 12. The extension is to provide covered access between the bays and two loading bays for Lorries into Bay 11. Located within an existing right-angle formed by the building, it is to have a maximum length and width of 40.1m and 12.8m respectively. The roof is to be double pitched. The central ridge is to be 7.35m high and the eaves 5.9m. The west elevation is to include a canopy which projects 5.2m with a maximum height of 6.0m. The canopy is to shelter external storage.
- 3.4 To the north of bay 11 an infill extension is to form within an existing recession in the building. It will be 11.0m wide and project 5.4m, bringing it flush to the existing rear wall. The roof is to be mono-pitched and will tie into the existing roof. It will be faced in cladding to match the host building.
- 3.5 A sprinkler pump house and water tank is to be provided to the site's rear, adjacent to the boundary with the Canal. The pump house is to have a footprint of 6.5m x 7.6m. The roof is to be mono-pitched with a maximum height of 5.2m. It is to be faced in profiled steel sheet cladding. The tank is to be circular, with a diameter of 10.9m and height of 11.1m. It is to be constructed in galvanized steel, and will be grey/metallic in colour.
- 3.6 Other alterations include the addition of a new access gate on the north vehicular access from St Andrew's Road and changes to the internal yard's layout to accommodate the Bay 11 extension.

4.0 RELEVANT PLANNING HISTORY

- 4.1 The site and adjacent premises have numerous previous planning applications in relation to the area's established commercial use. None of the reviewed Planning Applications are considered relevant to the current application.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 Initial concerns were held over the impact upon the setting of the canal and local ecology. These were supported upon receipt of the Canal and River Trust's consultation. Nonetheless, following a meeting where discussions

between the case officer, applicant and agent took place agent, conditions for landscaping details and ecological enhancements were considered an appropriate course of action.

- 5.2 Objections were received from the Coal Authority and Yorkshire Water, with each group seeking further details. The requested details have been provided by the applicant and the Coal Authority and Yorkshire Water have been formally re-consulted. Their responses have not been received to date.

6.0 PLANNING POLICY

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

- 6.2 On the UDP Proposals Map the site is Unallocated.

- 6.3 The site is allocated as Priority Employment Area on the PDLP Proposals Map.

6.4 Kirklees Unitary Development Plan (UDP) Saved Policies 2007

- **D2** – Unallocated land
- **NE9** – Development proposals affecting trees
- **BE1** – Quality of design
- **BE2** – Design principles
- **EP4** – Noise sensitive locations
- **T10** – New development and access to highways
- **T19** – Parking standards
- **B1** – Business and industry: strategy
- **B4** – Premises and sites with established use, or last used for business and industry
- **R18** – Canals and rivers

6.5 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
- **PLP8** – Safeguarding employment land and premises
- **PLP21** – Highway safety and access
- **PLP24** – Design

- **PLP27** – Flood risk
- **PLP30** – Biodiversity & Geodiversity
- **PLP32** – Landscape
- **PLP52** – Protection and improvement of environmental quality
- **PLP53** – Contaminated and unstable land

6.6 National Planning Guidance

- **Paragraph 17** – Core planning principles
- **Chapter 1** – Building a competitive, strong economy
- **Chapter 7** – Requiring good design
- **Chapter 10** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 11** – Conserving and enhancing the natural environment
- **Chapter 12** – Conserving and enhancing the historic environment

7.0 **PUBLIC/LOCAL RESPONSE**

7.1 The application 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 21st of August, 2017.

7.2 Objection

One representation in objection to the proposal has been received from a local business. The following is a summary of the concerns raised;

- Works have commenced on site.
- Trees and vegetation have been removed, in what is considered the bird nesting season. Question as to whether appropriate survey work has been done.
- Concerns over visual impact and noise pollution upon nearby residents from the development. Request some form of landscaping scheme to mitigate harm.

8.0 **CONSULTATION RESPONSES**

8.1 Statutory

The Canal and River Trust: Does not object to the proposal, however offered general advice in regards to impact on nearby heritage assets, visual amenity and contamination.

The Coal Authority: Raised objection as the submitted Geo-environmental Investigation Report failed to adequately address risk from local coal mining legacy. Following this the applicant submitted a Coal Mining Risk Assessment to address the Coal Authority's concerns. No response has been received to date.

The Environment Agency: No objection in principle and no conditions considered necessary. However the Environment Agency has requested

several informative notes should be placed on the decision notice, if minded to approve.

8.2 Non-statutory

K.C. Conservation and Design: No objection.

K.C. Environmental Health: No objection, however requested conditions on site remediation and validation. This is in line with the submitted geotechnical appraisal.

K.C. Strategic Drainage: No objection.

K.C. Trees: As the site has been cleared of trees, K.C. Trees has no objection in principle, however requested a condition for boundary treatment/landscaping in the interest of ecological enhancements.

Yorkshire Water: Object to the proposal as the proposed development was within the stand-off distance of pipes unidentified on the plans. In response the applicant provided details plans mapping the pipe locations and moved the propose pump house outside of the 4.0m stand-off distance. These plans have been re-submitted to Yorkshire Water however no response has been received to date.

9.0 **MAIN ISSUES**

- Principle of development
- Design considerations
- Residential amenity
- Impact on local economy
- Highway issues
- Drainage issues
- Other matters
- 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).

10.2 The dimensions of sustainable development will be considered throughout the proposal. 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]'

- 10.4 Consideration must also be given to the emerging local plan. Within the PDLP Policies Map the site is allocated as a Priority Employment Area. PLP8 states that;

Proposals for development or re-development for employment generating uses in Priority Employment Areas will be supported where there is no conflict with the established employment uses in the area

- 10.5 Where relevant these considerations are addressed later in this assessment. Subject to the review of the aforementioned considerations, the principle of development is considered acceptable.

Design Considerations

- 10.6 The proposal seeks alterations to a large scale building which would be seen at both close and longer distances. However, this needs to be considered in the context of other development in the area. Buildings on St Andrew's Road are varied in their age, design and appearances. Features they have in common are their large scale and characteristics as commercial properties.
- 10.7 The proposed works to Bays 9 and 10, including the rising of the roof, the re-cladding and two storey extension, would cumulatively result in a modernized appearance for the building; in the site's context this is not considered to be a cause for concern by officers. While the works will increase the height and massing of the building it is not considered to do so in a way that would materially harm the visual amenity of the building or cause the building to appear out of keeping within the area. The type of materials proposed will result in an uncomplicated and modern appearance in keeping with other similarly clad buildings nearby. To ensure a suitable end material and colour are proposed, samples of facing materials, to include the colour, are to be secured via condition.
- 10.8 The other proposed extensions to the building are located further into the site and to the rear, limiting their impact upon the area's streetscene. Nonetheless their design is considered to suitable harmonise with the host building and would not appear incongruous to the site's established visual character.
- 10.9 The proposal includes the installation of a pump house and water tank away from the existing structure, adjacent to the boundary with Huddersfield Broad Canal. The pump house is small in scale with a design typical of an industrial outhouse: officers hold no objection to the design and appearance of the pump house. The water tank is large in scale, having a diameter of 10.9m and height of 11.1m. Given its scale it will be prominent in the area and be

visible from long distances on certain approaches, such as on the canal towpath. It is to be constructed in unpainted galvanised steel.

- 10.10 Concern has been raised by the Canal and River Trust and a local business in regards to the water tank's impact upon the canal's setting. Furthermore, approx. 180m to the south of the tank's location, are two heritage assets; Turn Bridge, an ancient monument and Turnbridge Mill's chimney, which is Grade 2 Listed. Given its origins the canal does retain elements of a historic setting. Nonetheless there are also examples of modern utilitarian and industrial structures in close proximity to the canal front. The most prominent example of this is the gas works and gas holder to the site's north.
- 10.11 Considering the advice from the Canal and River Trust, in addition to correspondence with the application's agent, officers considered it reasonable to impose a condition requiring details of landscaping along the boundary with the canal. While planting would not screen the 11.0m high water tank, it will provide a general softening to the site's appearance adjacent to the canal and mitigate the presence of the structure. Regarding the impact upon the heritage assets, given the separation distance between the site and Turn Bridge / Turnbridge Mill's chimney, it is not considered the proposal would impact upon their heritage significance. This perspective is shared by K.C. Conservation and Design.
- 10.12 It is concluded that, subject to the referenced conditions, the proposal would visually harmonise with its setting. The proposal is deemed to comply with Policies D2, BE1, BE2 and R18 of the UDP, PLP21 and PLP32 of the PDL and Chapters 7 and 12 of the NPPF.

Residential Amenity

- 10.13 The closest residential properties are in excess of 200.0m of the site, to the north-west. Other buildings in the area are commercial uses, including retail, offices and manufacturing.
- 10.14 Given the separation distance of the site to third party residential dwellings it is not considered that the proposal would result in detrimental overbearing, overshadowing or overlooking to residential amenity. The separation distance also prohibits harm through noise pollution; nonetheless the proposal is not anticipated to increase the current noise pollution at the site.
- 10.15 Representations have been received regarding the proposal's impact upon the amenity of nearby office workers. This relates to the view toward the proposed pump-house and sprinkler tower. While the impact upon the amenity of office workers is a consideration, lesser weight is afforded compared to the impact upon the amenity of a residential property. Nonetheless, there is no right to a view. Despite the height of the sprinkler tower, as it has a separation distance of over 35.0m to the closest office, it is not anticipated to cause materially harmful overbearing to office users.
- 10.16 It is concluded that the proposal would not detrimentally impact upon residential amenity or that of nearby office workers. Therefore the proposal is deemed to comply with Policy D2, PLP24 and Paragraph 17 of the NPPF.

Impact on Local Economy

- 10.17 Chapter 1 of the NPPF establishes a general principle in support of economic development, with economic development forming one of Sustainable Development's three roles.
- 10.18 Paragraph 19 states '*The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth... significant weight should be placed on the need to support economic growth through the planning system*'. This guidance is supported by Policy B1 of the UDP and PLP8 of the PDLP, which seek to support and enhance local business and employment sites.
- 10.19 This proposal is part of a wider plan to rationalise Cummins' operations on this split site, where principally manufacturing will be undertaken on the west site, with research and development on the east site. While the proposal will not lead to a direct increase in jobs on site, through modernisation and improvement to the existing site the design and access statement comments that the proposed works will guarantee a long term future for the site and employment in the Huddersfield area. It is noted that, in the short term, the proposal will provide employment in construction.
- 10.20 Officers considered that the proposal would aid in the economic growth of Cummins Turbo Technologies Ltd, therefore according with the objectives of Chapter 1 of the NPPF, Policy B1 of the UDP and Policy PDP 8 of the UDLP.

Highway issues

- 10.21 The proposed development is not to lead to a material increase in the site's demand for parking.
- 10.22 The proposal will enhance internal vehicular manoeuvres and will allow lorry sized vehicles to be directly loaded from bays, as opposed to through forklift trucks. Furthermore a dedicated waiting and security area is to be formed by the access from St Andrew's Road. Currently the main gate fronts onto the footpath; the gate is left open to allow for uninterrupted access. This created a security concern. If the gate must be closed, it causes delivery vehicles to back up on the Highway. The proposed dedicated waiting and security area will address both these concerns.
- 10.23 The proposed development is not anticipated to impact upon the safe and efficient operation of the highway, in compliance with policies T10 and PLP21.

Drainage issues

- 10.24 The site is within flood zones 1, 2 and 3. Nonetheless all works within flood zones 2 and 3 are to take place over existing drained hard standing. The pump-house and water tank are within flood zone 1. Furthermore the green space they are to replace is concrete lined, therefore preventing infiltration. Therefore it is concluded that the proposal would not increase local flood risk and K.C. Strategic Drainage do not object to the proposal.
- 10.25 Various Yorkshire Water pipes are underneath the site. Initially the submitted plans did not record the pipe locations and the pump-house was to be located within a pipe stand-off zone. Therefore Yorkshire Water objected to the proposal. The plans were amended to include the pipe locations and the

pump-house was re-positioned outside of the identified area. Yorkshire Water has been re-consulted on the amended plans however no response has been received to date. Nonetheless officers anticipate that the amended plan should overcome Yorkshire Water's concern.

- 10.26 So as to work proactively with the applicant and in the interest of a prompt decision officer's request that members delegate power back to the Planning Authority to await the response from Yorkshire Water.

Other Matters

Ecological impact

- 10.27 The site is adjacent to Huddersfield Broad Canal, a Wildlife Habitat Network, and is within the bat alert layer and the recorded swift nesting zone. Therefore development has the potential to impact upon any local species.
- 10.28 Notwithstanding the above the existing buildings on site are considered to have limited ecological value or roost potential. This is due to their materials of construction and current use. Therefore no detrimental ecological impact is anticipated through the proposed extensions. However the pump-house and sprinkler tank are closer to the canal, within an area which previously hosted trees and vegetation, used as a garden by employees. Recently the trees have been felled and the vegetation removed. The site clearance took place without the need for planning permission. As the pump house and sprinkler tank are to be built on now vacant land, there is not anticipated to be a detrimental impact to local species through their installation.
- 10.29 Notwithstanding the above the NPPF seeks for Planning Applications to enhance local ecology and a site's ecological value. Therefore it is considered appropriate and necessary to condition that an Ecological Assessment take place to explore opportunities for ecological enhancement on site, potentially alongside the above referenced Landscape Plan. Subject to this condition the proposal is deemed to comply with Chapter 11 of the National Planning Policy Framework and PLP30 of the PDLF.

Coal mining legacy

- 10.30 The site is within the identified High Risk Coal Mining area published by the Coal Authority. Therefore the development may be at risk of historic coal mining activity in the area. The Coal Authority have objected to the proposal as the submitted Geo-Technical Appraisal submitted alongside the application does not sufficient address the relevant ground/land stability issues. Following these concerns being raised the applicant has submitted a Coal Mining Risk Assessment and the Coal Authority has been re-consulted. No response has been received to date.
- 10.31 So as to work proactively with the applicant and in the interest of a prompt decision officer's request that members delegate power back to the Planning Authority to await the response from the Coal Authority.

Representations

10.32 One letter of objection has been received. Below are the issues which have been raised that have not been addressed within this assessment and the case officer's response.

- Works have commenced on site.
- Trees and vegetation have been removed, in what is considered the bird nesting season. Question as to whether appropriate survey work has been done.

Response: Planning permission is not required for the clearance of vegetation. Furthermore as the trees in question do not benefit from a TPO or are within a Conservation Area, permission is also not required to fell them. Regarding nesting birds, it is the applicant's responsibility to ensure appropriate survey works take place prior to works taking place. The objector has been informed if they have evidence of a bird crime to contact the RSPB. Other works that have taken place on site include excavation and surfacing. Industrial sites benefit from Permitted Development for such works, with the works that have taken place considered to fall within their Permitted Development rights.

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 scale of the proposed development is considered relatively minor in comparison to the size of the existing structures on site. Nonetheless the proposed works do not raise concerns in regards to visual amenity, highway safety or residential amenity. It is considered that the potential impacts upon local ecology and the adjacent canal have been mitigated to an acceptable degree. The benefits of assisting a local business in terms of investment and employment retention / generation are given significant weight by officers

11.3 It is noted that there are standing objections from The Coal Authority and Yorkshire Water. However officers consider that these matters have been resolved although we are awaiting technical confirmation from these consultees. Therefore officers are seeking delegation to the Head of Strategic Investment to resolve these outstanding matters in a timely manner.

11.4 Subject to technical confirmation from The Coal Authority and Yorkshire Water is considered that the development would constitute sustainable development and is therefore recommended for approval.

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

1. 3 year Time limit
2. In accordance with plans
3. Samples of facing materials
4. Landscape Assessment
5. Ecological Assessment
6. Conditions as reasonably required by the Coal Authority
7. Conditions as reasonably required by the Yorkshire Water

Background Papers

Application and history files can be accessed at:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f92268>

Certificate of Ownership: Certificate A signed

Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 07-Sep-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

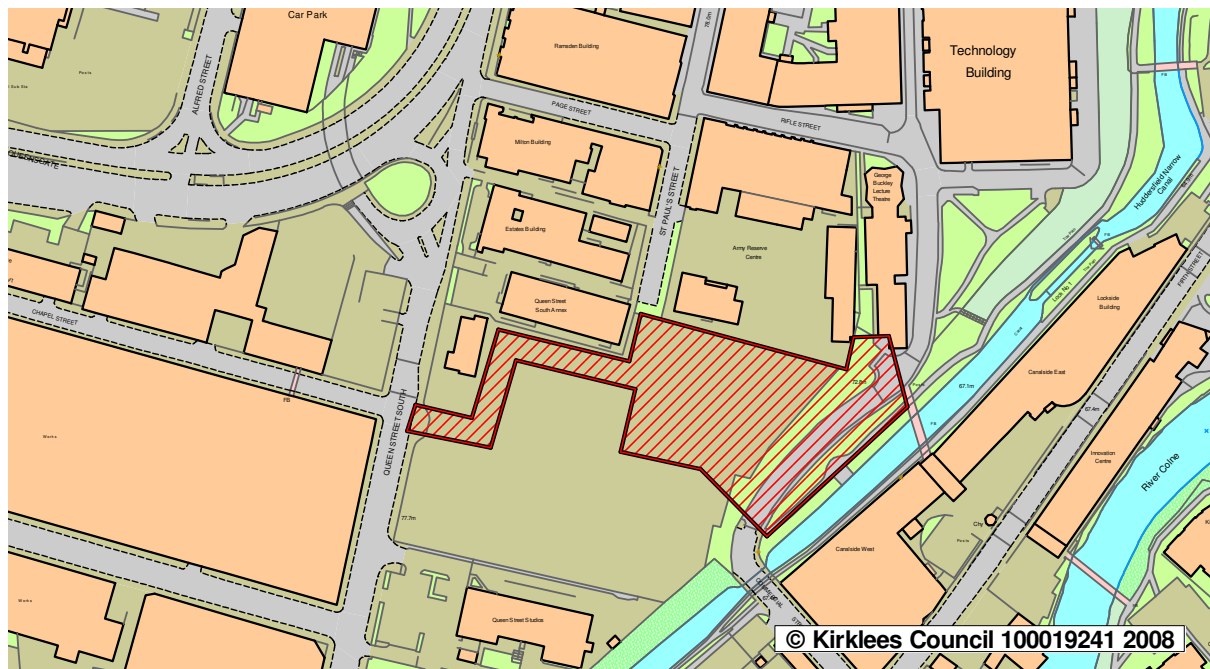
05-Oct-2017

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Newsome

Yes

Ward Members consulted

RECOMMENDATION

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

1.0 INTRODUCTION

- 1.1 This is a full planning application which is brought to Strategic Committee because the proposal seeks non-residential development within a site area which exceeds 0.5ha.
- 1.2. This report is a formal recommendation following a Position Statement presented to members at the Committee meeting on the 10th of August, 2017.
- 1.3 During the Position Statement meeting members were supportive of the principle of development and provided positive feedback on the design and architectural merits of the proposal. Members did raise questions in regards to highway arrangements and whether there was an impact on nearby listed buildings. These considerations have been responded to within this report.

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 Officers requested additional information on several **considerations** during the course of the application. Discussions were held on landscaping, ecological impact, crime/terrorism mitigation and the university's ongoing travel plan which resulted in additional plans and supporting documents being provided. This was sufficient to overcome the initial concerns.

5.2 Final negotiations are taking place in regards to the proposal's relationship with the adjacent canal and water management on site. The outcome of these discussions will be provided to members within the committee update.

6.0 PLANNING POLICY

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

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 4th of August, 2017.

7.2 One representation has been received. The representation raised concerns with the proposal. The following is a summary of the concern 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.

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 and the University's wider travel plans. Concerns include university students and visitors, such as during conferences, parking in local residential areas which cause disruption to residents.

8.0 CONSULTATION RESPONSES

8.1 Statutory

Canal and Rivers Trust: Raised concerns over ecological impact and have requested various conditions and either a condition or legal agreement to secure a financial contribution to improve the canal towpath.

The Coal Authority: No objection.

8.2 Non-statutory

Counter Terrorism Security Advisor: Have provided advice on crime mitigation measures which is currently being considered by the applicant.

Huddersfield Civic Society: No comment.

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

K.C. Conservation and Design: Supportive of the design, however have requested a condition for material samples to be submitted.

K.C. Ecology Unit: Initially requested further details on ecological impact. These were provided and, subject to condition, K.C. Ecology is now supportive of the proposal.

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

K.C. Highways: No objection.

K.C. Strategic Drainage: Have raised concerns regarding surface water discharge, access and seek further mitigation on canal flooding. Officers and Strategic Drainage are working proactively with the applicant to resolve the outstanding matters.

K.C. Trees: No objection subject to specific trees on Commercial Street being retained. Subsequent plans have clarified that the desired trees are to be retained.

Yorkshire Water: Raised initial objection to the proposal. Following discussions between Yorkshire Water, officers and the applicant and the submission of an amended plan Yorkshire Water support the development subject to appropriate conditions.

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.
- 10.8 Given the above it is concluded that the principle of development is acceptable. However consideration must be given to the local impact, outlined below.

Urban design and landscaping

- 10.9 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.
- 10.10 The University campus hosts buildings of various architectural designs. This includes re-purposed traditional buildings and purpose built education buildings. 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.
- 10.11 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'. This is considered to provide architectural interest of the building, in keeping with other feature pieces on other university buildings.

- 10.12 Landscaping works are proposed to the site's east, connecting the building's level 0 to the lower University Street and Huddersfield Broad Canal. Through both hard and soft landscaping the level change is to be accomplished by terraced spaces and stairs, alongside accessible ramped routes. The tiers are to 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 high quality social space overlooking the canal and neighbouring listed buildings, Canalside East and West. From a design perspective the removal of several of the site's current trees, and the proposed replacement trees and planting, are considered appropriate.
- 10.13 In summary, subject to the above detailed conditions, officers are supportive of the proposed design. It is considered that the development complies with Policies D2, NE9, BE1, BE2 and BE11 of the UDP, PLP24 and PLP32 of the PDLP and Chapter 7 of the NPPF.

Impact on Local Heritage Assets

- 10.14 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 it's 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.
- 10.15 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.
- 10.16 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'. Officers do not object to this assessment.

- 10.17 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. The public benefit of the proposal is considered to outweigh the less than substantial harm to neighbouring listed building which has been identified. It is therefore concluded that the proposed development complies with S66 of the Act, PLP35 of the PDLP and Chapter 12 of the NPPF.

Residential amenity

- 10.18 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.
- 10.19 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.
- 10.20 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

- 10.21 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.
- 10.22 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'*.

- 10.23 The University has an ongoing Travel Plan, which covers the period 2009 to 2017. The Travel Plan sets out a range of strategies, objectives and targets aimed to promoting sustainable modes of transport. Initiatives promoted by the Travel Plan include, but are not limited to;
- Provision of 5 cycle shelters throughout the campus
 - Provision of on-site motorcycle parking.
 - Staff being provided with discounted travel passes
 - Subsidence travel from certain student accommodation
 - Funding (£40k in match funding) to the Huddersfield Active Travel Project
- 10.24 In addition to the above measures is the University's Car Parking Strategy. The strategy seeks to remove all general parking from within the University's Queensgate Campus (while retaining adequate accessible spaces). 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.
- 10.25 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' total 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.
- 10.26 The transport assessment submitted with the planning application provides evidence that the objectives of the travel plan, to reduce single occupancy car journeys and increase sustainable methods of transport, has broadly been successful to date. The current Travel Plan is reaching the end of its period. An updated travel plan is currently being produced by the University of Huddersfield and will include a review of the past travel plan, alongside new plans and strategies to continue to enhance travel arrangements.
- 10.27 The application site is considered to be a highly sustainable location. The site is within 200.0m of Huddersfield Town Centre, which benefits from strong public transport links to the local and wider region. Furthermore the site is within close walking distance to numerous student residences with further residences being connected by a dedicated University bus. Taking this into account, in addition to the successes of the University's Travel Plan, the upcoming new 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.
- 10.28 In summary it is concluded that the proposed development would not result in harm to the safe and efficient operation of the highway. The proposal is therefore considered to accord with UDP policies T10, T16 and T19 and PDLP policy PLP21.

Drainage impact

- 10.29 The site is within Flood Zone 1. Foul and surface drainage are proposed via the mains sewer.

- 10.30 Yorkshire Water raised initial concerns as the proposal had inadequately considered public water supply and sewerage infrastructure on site. Following the consultation response discussion took place between the applicant and Yorkshire Water. This resulted in an amended layout plan. Yorkshire Water was re-consulted and, subject to conditions relating to ground works near pipes, systems of drainage, disposal of surface water and stand-off distances, no longer object to the proposal.
- 10.31 Regarding surface water there is no substantive objection to the development, however officers and K.C. Strategic Drainage have requested final technical detail relating to surface water discharge, access and seek further mitigation on canal flooding. Review of the submitted information, and any required conditions, will be provided to members within the committee update.

Other considerations

Impact on Huddersfield Narrow Canal

- 10.32 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 conditioned; structural calculations adjacent to the canal, impact on operations to the waterway, further details on landscaping, and contamination mitigation. In the interest of maintaining the integrity of the canal, officers are supportive of these conditions.
- 10.33 In addition to the above conditions the Canal and River Trust raise concerns over the canal's towpath. The towpath is on the opposite side of the canal to the development; the path along the proposed development side of the canal is owned and managed by the University. The Canal and River Trust are of the opinion that the development would increase the footfall on the towpath; it is their perspective that the towpath is poor quality and unable to accommodate additional demand. Accordingly the Canal and River Trust requested a legal agreement for a contribution from the University to improve the towpath.
- 10.34 Officers consider that the request does not satisfactorily pass the tree tests for planning obligations and there is insufficient policy context to justify the contribution. The towpath is not a principal access to the proposed development. The primary accesses to the site are University Road/Commercial Street, Queens Gate South, St Pauls Street and the west side canal path, which is under the ownership of the University. These routes provided a much more direct route to the building than the towpath. It is acknowledged that there are university buildings on the east of the canal. Nonetheless the three university teaching buildings on the east side of the canal (Canalside East, Canalside West and the Business School) are served by bridges which allow direct access to the main campus via the west path, preventing the need for use of the towpath. The development will improve access to the canal, enhance the public realm and improve local walking and cycling routes, complying with Policy R18 and the NPPF.
- 10.35 While the request for a contribution from the Canal and River Trust is acknowledged, on the planning balance it is concluded that, subject to the above mentioned conditions, the development will have a positive impact on

the Huddersfield Narrow Canal, improving access and public interaction. Therefore the proposal is deemed to comply with Policies D2 and R18 of the UDP, PLP21 and 34 of the PDLP and Chapters 8 and 11 of the NPPF.

Impact on ecology

- 10.36 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.
- 10.37 The current landscape proposals will result in the loss of trees and shrubs adjacent to the canal. The vegetation currently contributes to the green infrastructure resource and is likely of particular value for foraging bats. The vegetation also provides a screening function by limiting light spill onto the canal corridor. Given this concern further clarification was sought on the proposed landscaping scheme and the development's impact on local ecology.
- 10.38 The strip of vegetation immediately adjacent to the canal (approx.3.0m wide), including several mature trees, is to be retained. Within the site areas of soft landscaping are to include non-native tree planting and native wildflower seeding. While the loss of established habitat is noted the above scheme is considered acceptable in principle, balancing the need for ecological preservation, providing a usable social space and enhancing the canal frontage. Conditions are considered necessary to ensure suitable implementation and maintenance of the site's landscaping and ecological value.
- 10.39 Subject to the abovementioned conditions the development is considered to comply with Policies D2, NE9 and EP11 of the UDP, PLP30 and PLP32 of the PDLP and Chapter 11 of the NPPF.

Impact on the local economy

- 10.40 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*'.
- 10.41 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.

- 10.42 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.

- 10.43 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

- 10.44 Advice has been provided by the Counter Terrorism officer to the applicant. In accordance with Paragraphs 58, 69 and 164 of the NPPF a condition is to be imposed requiring the submission of the development's counter-terrorism mitigation and prevention measures, for review by the Counter Terrorism Agency, if minded to approve.

Pollution/Contamination

- 10.45 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.
- 10.46 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.
- 10.47 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 3rd parties.
- 10.48 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

- 10.49 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.

10.50 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.

Representations

10.51 One representation has been received raising concern with the proposal. Below are the issues which have been raised that have not been addressed within this assessment.

- 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. Officers have requested that the University provide a statement on this matter, and open a dialogue with the Drill Hall. This is ongoing.

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.

11.2 Officers are supportive of the proposed development. The design of the building is innovative and of the highest architectural quality. The development will assist in raising the existing high standard of the surrounding built environment. Furthermore the development will provide a direct benefit to the local economy through investment within a close proximity to Huddersfield Town Centre. There will also be economic benefits through the purchase of locally sourced materials, from within Kirklees and the surrounding region. There will also be an indirect benefit through the enhancement of the University's existing education facilities, further growing the University of Huddersfield as a nationally recognised institution.

11.3 This application has been assessed against relevant planning policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

12.0 CONDITIONS

- 3 year Time limit
- In accordance with plans
- Ecological design and landscape plan and maintenance
- Construction Environmental Management Plan
- Lighting Strategy
- Material samples
- Travel Plan update
- Site remediation / validation

- Dust suppression
- Restricting ground works near pipes
- Systems of drainage
- Disposal of surface water
- Stand-off distances

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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Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 07-Sep-2017

Subject: Planning Application 2017/90207 Outline application for erection of B1 light industry Thongsbridge Mills, Miry Lane, Thongsbridge, Holmfirth, HD9 7RW

APPLICANT

Stephen Marsden,
Marsden Tractors

DATE VALID

27-Jan-2017

TARGET DATE

28-Apr-2017

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Holme Valley South

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.

1.1 INTRODUCTION

1.1 The proposed development involves a non-residential Major Development with a site area of more than 0.5ha. It is referred to Strategic Planning Committee on this basis.

2.0 SITE AND SURROUNDINGS:

2.1 The site is located on the eastern side of the A6024 Huddersfield Road approximately 1km north east of Holmfirth. The total site area is approximately 2.5ha, sitting on a lower level than Huddersfield Road. A line of trees occupies the southern and eastern boundaries. The eastern earth bank to the former mill pond remains.

2.2 Two dwellings facing Huddersfield Road and the site are located north- west of the site with the footings of two further dwellings located on the site adjacent to these. There are also several small industrial units located north west of the site adjacent to Miry Lane.

2.3 Access to the site is taken via Huddersfield Road. This access is already constructed as it formed the means of implementing the earlier permissions on the adjoining site for B1 business units. However, none of the buildings associated with the adjacent site have been erected.

3.0 PROPOSAL:

3.1 The application is submitted in outline form with all matters reserved, save for access.

3.2 The submitted scheme includes an indicative layout which demonstrates the potential to accommodate 3no B1 units on site with a floor area of approximately 2400m².

3.3 The applicant has confirmed that the units would have a maximum height of 6.5m

3.4 There is an existing access located off Huddersfield Road which formed the means of access for planning permission on the adjoining site (2007/91216). However, in order to accommodate the current application, it is proposed to widen this access.

4.0 BACKGROUND AND HISTORY:

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

2005/90017 – Outline application for B1 units – Approved

2006/92328 – Reserved matters application for the erection of B1 (Business unit) – Approved

2006/92394 – Erection of residential development (25 residential units with garages) – Approved

2007/91216 – Reserved matters for erection of 3n B1 business units – Approved (this was on adjoining land, served by the same access as the current application)

5.0 PLANNING POLICY:

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

5.2 The Council 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

5.3 The application site is allocated as unallocated land in the Kirklees Unitary Development Plan. It is allocated as a 'Priority Employment Area' in the emerging local plan.

UDP Policies:

D2 – Development on land without notation
G6 – Land contamination
B1 – The Employment Needs of the District
BE1 – Design Principles
BE2 – Design of new development
EP4 - Noise Sensitive Development
EP11 – Ecological Landscaping
NE9 – Mature Trees
T10 – Highway safety

Kirklees Publication Draft Local Plan (PDLP) policies:

PLP1 – Presumption in favour of sustainable development
PLP3 – Location of new development
PLP7 – Efficient and effective use of land and buildings
PLP8 – Safeguarding employment land and premises
PLP20 – Sustainable Travel
PLP21 – Highway Safety and Access
PLP22 – Parking
PLP24 – Design
PLP27 – Flood Risk
PLP28 – Drainage
PLP30 – Biodiversity and Geodiversity

PLP51 – Protection and improvement of local air quality
PLP52 – Protection and improvement of environmental quality
PLP53 – Contaminated and unstable land

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

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been advertised in the press, by site notice and by neighbour letter as a Major Development. One letter of objection and one letter in support of the application have been received. In addition, Councillor Patrick has written in support of the application. These representations can be summarised as follows:

Objection

- No objection to principle but concerned about details included in the indicative layout.
- The proposed area for parking of vehicles and HGV turning immediately to the rear of property with likely adverse impacts concerning noise and disturbance particular from the reversing warnings of commercial vehicles.
- Impact of the development on the amenity of the garden and main living rooms being overlooked by the parking area and main yard.
- Should permission be granted we would require landscaping to the north west boundary of the site minimum of 3m wide, semi-mature trees and acoustic fencing.
- Restriction on deliveries particularly in commercial vehicles. Restriction from 0800 to 1700 weekdays and no weekend work.

Support

- The site has been vacant since 2002. The proposed use of the site would be beneficial to the area with prospect of increased employment.
- The Holme Valley suffers greatly in providing local employment with local job opportunities being few and far between.
- I would not envisage this development impacting on traffic or local highways and it would not affect public amenity.
- Local transport links are good and easy access via public transport, cycling or walking.
- Due concern has been given to the impact on the natural environment.

Councillor Patrick

- Looks like renewal of previous permission. It is employment land. More employment locally is needed. It has good access. It will make use of and tidy the site up. It is welcomed.

7.0 CONSULTATION RESPONSES:

7.1 Environment Agency - The site appears to lie entirely within flood zone 1, and the FRA indicates that all development will be above the flood level. We therefore have no objection to this proposal. However, given the site's close proximity to flood zones 2 and 3, it should be noted that the property could be surrounded by flood water, therefore, a Flood Warning and Evacuation Plan should be implemented.

do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The National Planning Policy Framework and associated Planning Practice Guidance state that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

K.C Strategic Drainage – Kirklees Flood Management largely agrees with the findings of the submitted FRA. A sequential test should be submitted for this application. The Environment Agency should be consulted on flood risk from main river which should include an assessment for areas at risk incorporating calculations for climate change. Surface water flood does show an area of ponding up to 600mm deep which needs to be analysed should buildings be located there. This is not picked up in the FRA. A temporary drainage plan will be required to prevent pollution and siltation of local watercourses and drainage systems. This can be conditioned. We do not object to direct connections of 5l/s/ha for the developed area to watercourse. Indirect connections via culvert can only be permitted if the said culvert is desilted and demonstrated as 'fit for purpose'.

Appropriate stand-off distances to culverted watercourses need to be established based on size, depth and condition currently not provided.

K.C Highways – No objections in principle subject to appropriate access design.

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

K.C Ecology and Biodiversity Officer – No objection

Yorkshire Water Services – No comments received.

8.0 MAIN ISSUES:

Principle
Highways
Residential Amenity
Visual Impact
Ecology
Flood Risk/Drainage

9.0 ASSESSMENT:

Principle of development

9.1 The site is unallocated in the UDP. Policy D2 is therefore, of particular relevance and states:

"...Planning permission for the development (including change of use) of land and buildings without notation on the proposals map, and not subject to specific policies in

the plan, will be granted provided that the proposal do not prejudice [a number of different criteria]...”

- 9.2 Historically the site was a former mill dam and part of the site retained water until *circa* 1994. Much of the site was vegetated. Since approximately 2006 the site has been filled with an engineering fill material in order to facilitate future development. It appears that these works were agreed and implemented as part of planning permission for 25 dwellings on the site (ref – 2006/92394). Whilst the infilling works took place, most of the dwellings were not built.
- 9.3 On the basis that the site accommodated a dam and other structures and has now been infilled in order to create a development platform, the site is considered to constitute previously developed land (brownfield).
- 9.4 In addition to this, the site lies within a Priority Employment Area on the publication Local Plan (PDLP). Weight can be given to this potential allocation as the emerging local plan is an indication on the direction of travel for the site, and the plan emphasises the need to deliver employment and housing proposals on the basis that approximately 175ha of employment land will be required in the coming years. The proposed development lies in close proximity to existing roads and infrastructure and is in an accessible location.
- 9.5 The proposals seek to bring back a vacant previously developed site back into beneficial use and would create a number of jobs, in accordance with the NPPF. Subject to other considerations set out in this report, the proposed development is a potentially sustainable employment site.

Highways

- 9.6 The scheme has been amended following concerns initially raised by KC Highways DM. The existing access which has been built was intended to facilitate the residential use granted in 2006 (2006/92394) and consequently, the width and kerb radii were inadequate for the proposed use. In addition, there is an application on the opposite side of the proposed access for a Class A1 foodstore and associated parking (2017/91796).
- 9.7 The applicant proposes to alter the existing junction so as to accommodate vehicles associated with the intended use. This would involve widening the junction where it meets Huddersfield Road, and altering the proposed configuration of the road layout. The applicant has submitted swept path drawings and at the time of writing are currently being assessed. In addition, a ‘right turn lane’ to accommodate vehicles travelling in a northerly direction along Huddersfield Road and turning into the site has already been implemented through a previous consent.

In terms of vehicular movements, it is acknowledged that there is an extant planning permission for B1 light industrial units on land to the south east. This planning permission has been implemented on the basis that access to the site appears to have been built (ref - 2006/92328). The submitted Transport Assessment has considered vehicular movements associated with the implemented scheme for B1 units and potential movements associated with the proposed foodstore (2017/91796). In combination, all the schemes taken together would have the potential to generate 143 trips during the PM peak with significantly less during the AM peak.

- 9.8 It is noted that development was approved for 25 dwellings on the current application site in 2006 (ref – 2006/92394). The current application is anticipated to generate 25 additional trips during the AM peak and 16 additional trips during the PM peak over and above the previous consent on this site.
- 9.9 Whilst the proposal would increase the number of vehicles on the local highway network, Huddersfield Road forms part of the strategic highway network and is able

to accommodate the relatively low number of vehicular movements proposed by this development.

- 9.10 In respect of parking, parking details would be provided with the proposed layout and are reserved for future consideration. In principle however, there are no objections from highways in this regard.
- 9.11 Whilst there are no objections in principle from Kirklees Highways DM, the applicant has submitted a revised access drawing which is currently being assessed. Additional comments from Kirklees Highways DM will be reported to Strategic Planning Committee as an update. However, in respect of pedestrian safety and accessibility, it is intended that the revised scheme will offer safe access for all users.

Residential Amenity

- 9.13 The site lies adjacent to a number of residential properties which face the application site and Huddersfield Road. The impact on the nearest properties is exacerbated in this case because the level of the land has been increased over the years and a number of the trees which once were once on the north-west site boundary have been cut down.
- 9.14 Concerns have been raised regarding the relationship between the proposed use and the nearest residential properties. However, the proposed development concerns a B1 use which covers offices (other than those falling within use class A2), research and development of products and light industry appropriate in a residential area. It is therefore considered that subject to the imposition of appropriate planning conditions restricting the hours of operation, the use of the land for B1 purposes would not necessarily be in conflict with adjoining or nearby properties. However, given the proximity of the nearest potentially affected property and the proposed use, Environmental Protection were re-consulted and provided detailed comments on the concerns raised:

“B1 industrial use as per my original response has long been seen as compatible with residential properties in close proximity, providing conditions are applied re hours and times of delivery. We get very few complaints about B1 properties as they do not tend to be noisy uses as most of these would fall into B2.

Even with raised ground levels the use should be compatible providing the hours of use/deliveries in my consultation response are applied. I don't feel there is any need for further restriction of hours”

- 9.15 Given the proximity of the nearest properties to the application site, there is the potential for disturbance arising from the manoeuvring of vehicles and/or the overbearing impact of new buildings. These matters would be assessed as part of the later reserved matters submissions concerning layout, scale, landscaping and appearance. In particular, it is acknowledged that the boundary of the application site and the nearest residential properties would need effective treatment such as vegetation and mature tree planting.
- 9.16 Whilst an indicative layout plan has been submitted, this is not binding and would not form an approved plan. Subsequent reserved matters would need to properly consider the impact of the proposed development on the local amenity.
- 9.17 In principle however, the impact on the amenity of the nearest properties is considered acceptable, subject to the imposition of appropriate planning conditions which are listed in the recommended conditions at the end of this report. The application is considered to comply with policy D2 and BE2 of the UDP in respect of the potential impact on residential amenity.

Visual Impact

- 9.18 The applicant has indicated that the buildings would be a maximum of 6.5m in height. The site lies on a lower level than Huddersfield Road and an indicative layout shows that the scheme could potentially be laid out in a visually acceptable manner. The visual impact of the proposed development would largely be assessed at reserved matters stage but there is no reason why the scheme could not be designed in an appropriate manner having regard to the character and appearance of the area. Overall, the scheme has the potential to comply with policies concerning design and layout in accordance with policies BE2 and D2 of the UDP and PLP24 of the PDLP.

Ecology

- 9.19 The site does not lie within a nationally or locally designated ecological site but lies within 50m of the River Holme which supports a variety of habitats. The proposed development would not impact on protected species including bats, birds, reptiles, otters or water voles.
- 9.20 There is potential for nesting birds on the site and Himalayan Balsam was found on the site. These matters, along with ensuring appropriate lighting and additional ecological enhancements, could be subject to appropriate planning conditions. The Council's ecologist has assessed the scheme and raises no objections. The application is therefore, considered to comply with the NPPF in respect of biodiversity.

Flood Risk

- 9.21 Para 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. On the basis that the site lies in Flood Zone 1 (lowest risk of flooding from rivers or the sea), a sequential test is not required in this case. However, it is noted that the site lies adjacent to Flood Zones 2 and 3 and consequently, the Environment Agency require the submission of a flood evacuation plans.
- 9.22 The Council's drainage officer initially raised a few concerns with the application relating to the location of buildings on the indicative layout where areas of ponding are known on site. However, the applicant has submitted an addendum to the Flood Risk Assessment (FRA) which details that proposed building locations are in areas of low risk of surface water flooding. In any event, the layout is indicative and full details would be required at reserved matters stage. Based on the comments received from the Council drainage officer, the Environment Agency and based on the submitted FRA, it is considered that the application meets the requirements set out in the NPPF and meets policies PLP27 and PLP28 of the PDLP.

10.0 Conclusion

- 10.1 The proposal would increase the employment offering in accordance with the allocation in the emerging Local Plan. It fulfils the NPPF requirements in terms of increasing employment opportunities and for the redevelopment of brownfield sites. In this case the proposal is likely to generate a number of jobs and this is given significant weight in assessing the proposed scheme.
- 10.2 The development is served by existing access which would require alterations and upgrades in order to accommodate the number and type of vehicles proposed. Other issues such as the impact on local residents have been addressed or will be addressed in detail at reserved matters stage.
- 10.3 All other matters have been adequately addressed. The proposed development is considered to represent a sustainable development and is therefore, recommended for approval.

11.0 RECOMMENDATION:

Approve subject to the following conditions.

1. 3 years
2. Reserved matters within 2 years
3. Contaminated Land
4. Ecological enhancement
5. Drainage
6. Travel Plan
7. Landscaping to include a buffer in north west corner of site closest to residential property
8. Operating hours
9. Construction management plan
10. Details of external plant
11. Floodlighting details and a scheme to manage and control lighting
12. Details of drainage to accompany reserved matters – layout
13. Flood evacuation plan

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Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 07-Sep-2017

Subject: Planning Application 2017/92237 Erection of extension to warehouse and formation of car parking area J Roberts Bronze Components, St Peg Lane, Cleckheaton, BD19 3SL

APPLICANT

Rob Salisbury, FW Birkett
Ltd

DATE VALID

29-Jun-2017

TARGET DATE

24-Aug-2017

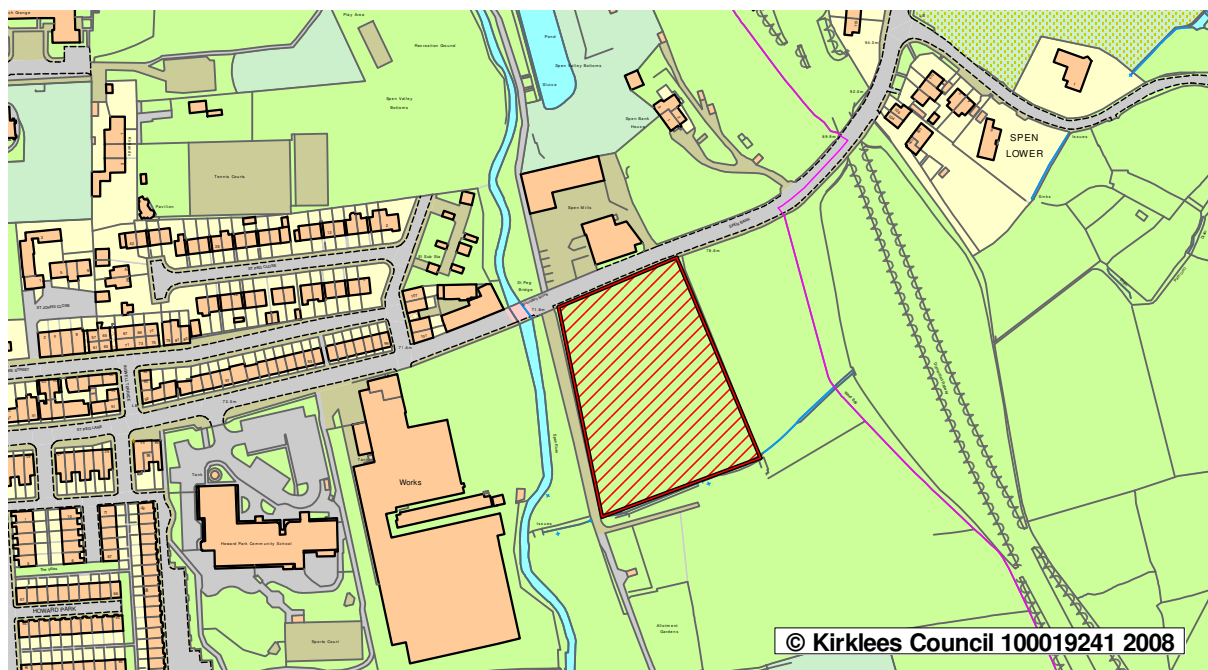
EXTENSION EXPIRY DATE

14-Sep-2017

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Cleckheaton Ward

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 secure details of an improved access and to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

- 1.1 The application seeks permission for the erection of an extension to the warehouse at J Roberts Bronze Components and the formation of a car parking area. The principle of development is considered to be acceptable, subject to conditions drainage issues and ecological matters are addressed. There would be no detrimental impact on amenity.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site comprises J Roberts Bronze Components located off St Peg Lane at Cleckheaton. J Roberts manufactures precision components and within the site is a single building which comprises a manufacturing area, warehouse and office. To the west of the building is an area of hardstanding. There are mature trees along the northern and eastern boundary of the site. The site is unallocated on the Kirklees Unitary Development Plan.

3.0 PROPOSAL:

- 3.1 The application seeks permission for the erection of an extension to the warehouse and the formation of a car parking area.
- 3.2 The extension would have a footprint of 27m by 11m with a gross floor area of 297m². The extension would be accessed through a new opening in the existing southern elevation. The extension and alteration to the industrial unit is required to form a prefabricated storage building for the warehousing of goods
- 3.3 The car parking area would be located to the east of the factory and comprise 61 spaces which would have a permeable hard standing surface. The car park would be accessed to the rear of the extension by a new concrete access road.

4.0 RELEVANT PLANNING HISTORY:

4.1 None

5.0 HISTORY OF NEGOTIATIONS:

5.1 Officers have negotiated with the applicant to secure:

- An Ecological Appraisal
- Details of proposed drainage
- Revised access details

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. 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
B5 – Extension of business premises
T10 – Highway Services
G6 – Land contamination

National Planning Guidance:

6.3 NPPF 1 - Building a strong competitive economy
NPPF 7 - Requiring Good Design
NPPF 10 - Meeting the challenge of climate change, flooding and coastal change
NPPF 11 - Conserving and Enhancing the Natural Environment

Local Plan

PLP8 – Safeguarding employment land and premises
PLP 9 – Supporting skilled and flexible communities and workforce
PLP 22 – Parking

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised by neighbour letter and site notice with the publicity expiring 4th August 2017. No representations have been received.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C Highway Services – No objections in principle, have requested details of an improved access

K.C Flood Management – No objections

The Coal Authority – No objections

8.2 Non-statutory:

K.C Environmental Services – No objections

K.C Ecologist – No objections

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

10.1 The site is located on land which is without notation on the Unitary Development Plan (UDP) Proposals Map and policy D2 of the UDP is relevant. This states that planning permission will be granted provided that a specific set of considerations are not prejudiced. These considerations include highway safety, residential amenity, visual amenity, the character of the surroundings and the avoidance of overdevelopment. The principle of development is acceptable provided that these considerations are not unduly prejudiced.

10.2 Policy B5 of the UDP stipulates that proposals for extensions to business premises will be permitted provided the amenity of occupiers of neighbouring properties, visual amenity and highway safety are safeguarded.

10.3 At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development where local planning authorities should positively seek opportunities to meet the development needs of their area. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of

business and support an economy fit for the 21st century. The proposed extension to the existing warehouse will allow this business to successfully expand, and it will create an additional 15 jobs at this site which is a significant positive outcome and one which is given great weight in the planning balance. The proposal to expand will ensure the retention of the business on this site within the District and the principle of development is acceptable on this existing industrial site in accordance with the NPPF.

Urban Design issues

- 10.4 Policies BE1 and BE2 of the UDP are considerations in relation to design, materials and layout. The proposed extension to the warehouse would have a pitched roof and the walls would be constructed of a red brick plinth and plastisol coated profiled sheeting in a burgundy colour. The roofing material would be plastisol coated sheeting in a grey colour. The size of the proposed warehouse extension is of a comparatively small scale relative to the existing building and would be positioned to the rear of the building and would not affect the existing street scene. The design is functional for its intended purpose and proposes a degree of brickwork to respect the brick construction of the existing factory /warehouse. It is considered the scale, design and facing materials would be satisfactory in keeping with the existing building and preserve the visual amenity of the surrounding area, in accordance with policies BE1 and BE2 of the UDP, as well as chapter 7 of the NPPF.

Residential Amenity

- 10.5 A core planning principle set out in the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. Policy D2 of the UDP stipulates that development should protect the residential amenity of neighbouring residential properties. There are no residential properties within close proximity of the application site. Neighbouring buildings are also in business/industrial use. The proposal would not result in any impact on residential amenity.

Highway issues

- 10.6 Policy T10 of the UDP states that “new development will not normally be permitted if it will create or materially add to highway safety or environmental problems . . .”. The site is located on Spen Bank which forms part of the A643 which links between St Pegs Lane and Cleckheaton to Spen Lane and Gomersal and the wider highway network. Public footpath Spen 97/60 runs along the western boundary of the site.
- 10.7 Access to the site is from Spen Bank is via public footpath Spen 97/60. This access is considered to be substandard in terms of its alignment onto Spen Bank, sight line onto Spen Bank, width, access radii and construction.
- 10.8 The site provides a total of 85 off-street parking spaces (including 61 spaces proposed by this application to the eastern side of the site) together with internal service vehicle turning. The existing unit has a total gross floor area of 1950sqm and the proposed extension 297 sqm. An additional 15 employees are proposed.
- 10.9 Whilst Highways have no objection in principle to this proposal there is concern the existing access is sub-standard to serve the intensification of the

site as a result of this proposal. A new improved access should be provided from Spen Bank into the site. The applicant is seeking to address this matter, and an update will be reported to Members.

Drainage issues

- 10.10 Flood Management initially objected on the grounds that no drainage strategy had been submitted. There was also concern that no consideration had been given to flood risk to or from the site, and that drainage proposals should use vegetated improvements alongside their drainage function. It was also noted that there are Environment Agency assets in the area.
- 10.11 The applicant was requested to submit a drainage strategy, to ensure that the proposed permeable paving is of a sufficient specification to allow infiltration. In response the applicant has provided the following information:
- 10.12 *For this application the proposed floor space to be created is less than 1000 square metres (297m²) and the site area is less than 1 hectare (0.704ha). Following the advice of the Lead Local Flood Authority, Figure 1 has been provided to supplement the information provided in the original application. The proposed car park shown in the original application is made up of existing 100-150mm clean hard-core approximately 300-400mm in depth. As this material is unsuitable for modern day traffic it is proposed to strip back the overgrown vegetation and place a thin blinding of new small sized clean free draining aggregate (with a void volume of 95%) to ensure the surface is more suitable for modern day cars as well as being safer for pedestrian traffic. During periods of high rainfall the proposed car park has been visually inspected and there was not found to be any standing water, run-off or signs of subsidence. Therefore as the existing surface on site is already a permeable free draining surface that was previously used for similar uses and the properties are not being dramatically altered, it is not deemed necessary to submit a Drainage Strategy.*
- 1.13 On the basis of this clarification, Flood Management has confirmed they are content to remove their initial objection. This is subject to a condition that permeable paving within the development will be retained in the interests of the prevention of flood risk. Subject to a condition, drainage matters are addressed.

Ecology Matters

- 1.14 The Council's ecologist initially commented that the proposals appear to affect mature trees located within the bat alert layer, which indicates that roosting bats are reasonably likely to be present. There is also potential for the proposals to affect the identified green infrastructure network (KWHN) which is immediately adjacent to the site. In order to ensure significant ecological impacts are avoided or mitigated, and that the proposals should be supported by appropriate ecological information. An ecological report was therefore requested.
- 1.15 An ecological report has been submitted. The ecologist noted considers it to be a poor example of what should comprise a Preliminary Ecological Appraisal. However, sufficient baseline information is provided to address concerns. Conditions are suggested to secure a lighting design strategy for

biodiversity. Subject to the inclusion of this condition, ecological matters are addressed.

Representations

10.16 No representations have been received.

Other Matters

10.17 In respect of past Coal Mining activities, the site is located within both the high and low risk development areas. The Coal Authority initially responded to say that the proposed warehouse extension would be situated outside the high risk area, however the proposed car park would be located within the high risk area and would appear to require significant ground works/excavation of a banked area to create a level surface parking area. On this basis, the Coal Authority objected as the required Coal Mining Risk Assessment has not been submitted.

10.18 In response the applicant has provided the following information

A Coal Mining Risk Assessment Report was not deemed necessary by ourselves previously due to the nature of the works being undertaken in this area. We can confirm that there are no excavation works required in order to create a level parking area. The proposed parking area is to be constructed on top of a previously filled clean hard-core area that was used by the previous occupant for storage and parking. The top 100mm (approximately) of overgrown vegetation is to be stripped off to reveal the existing hard-core and 75mm of small sized clean free draining aggregate (95% voids volume) is to be laid over the top in order to form the permeable car park surface. There are no major excavation works or retaining walls required. The existing ground level does not coincide with the adjacent gradient of St Peg Lane/Spen Lane. Therefore the existing ground level is suitable to be used as a car park without requiring regrading.

10.19 The Coal Authority has been re-consulted and has confirmed that they have now withdrawn their objection. Coal Mining Legacy Issues have been satisfactorily addressed.

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 warehouse extension and car park will support the continued expansion of this business and create 15 new job opportunities. There would be no detrimental impact on amenity or site drainage. In terms of Highways the technical matters around the final design can be easily resolved.

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 Strategic Investment)

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. The car park shall be surfaced of permeable paving which shall be retained
4. Details of a lighting design strategy for biodiversity

Background Papers:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f92237>

Certificate of Ownership –Certificate A signed:

Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 07-Sep-2017

Subject: Planning Application 2017/92233 Outline application for erection of 34 no. dwellings Land at Abbey Road North, Shepley, Huddersfield, HD8 8DY

APPLICANT

Clipper Holding II
S.A.R.L., C/O Agent

DATE VALID

11-Jul-2017

TARGET DATE

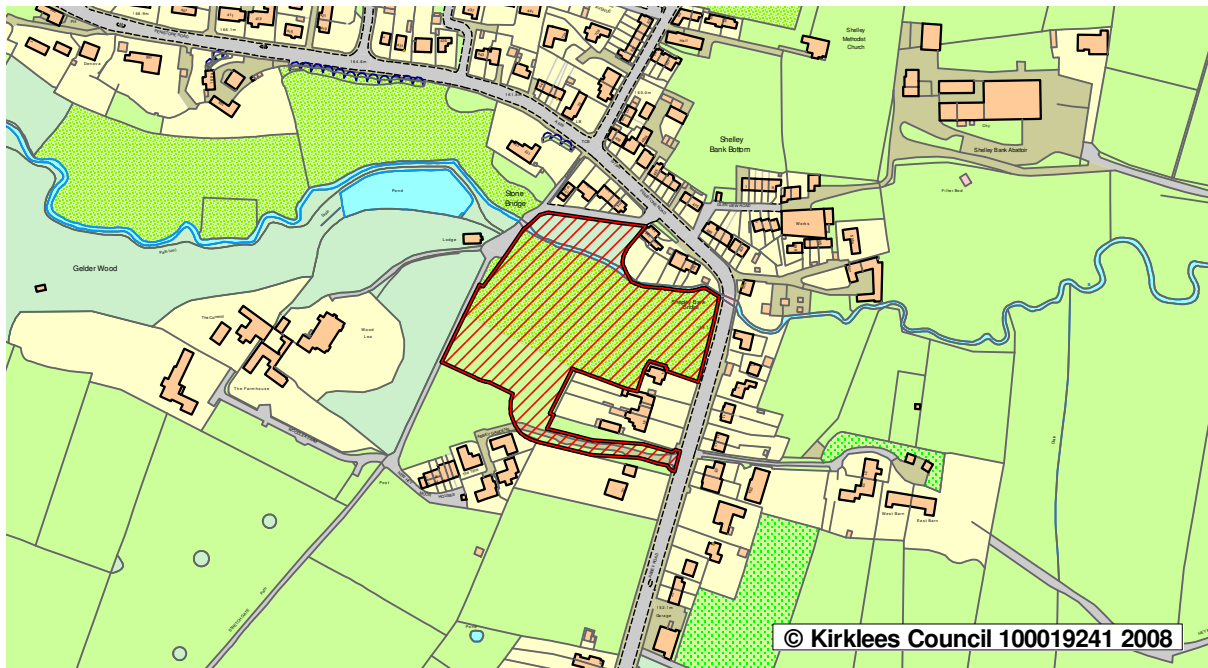
10-Oct-2017

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: Kirkburton

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION:

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

- Affordable housing (7 units)
- Education Contribution £114,211.
- On site POS and subsequent maintenance this to include the provision of natural play features) in lieu of off-site play equipment.

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 site is brought to the Strategic Committee as it constitutes a departure from the Unitary Development Plan (ie the development is for housing on an employment allocation).

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site comprise an area of 4.29 ha, and is located on the corner of Penistone Road and Abbey Road North in Shepley. The site is largely greenfield, with shrubbery and a number of trees across the site.
- 2.2. The north of the site slopes down from Stretchgate to Shepley Dike, which runs across the northern part of the site. To the north of the site, along Penistone Road, are dwellings whose gardens back onto Shepley Dike. The east are dwellings on Abbey Road North that back onto the site, and in the SW corner a development of 7 new detached properties, which are in turn adjacent to New Hey Moor Houses (a group of back to back dwellings)
- 2.3. There is an existing vehicular access off Abbey Road North, that currently served the 7 detached dwellings in the SW corner of the site. This access is capable of being improved and widened to serve the entire site. To the west the site is flanked by Stretchgate, which extends towards the centre of the village.

2.4. The site is part of a larger business and industry allocation on the Unitary Development Plan (Allocation B4.2). The neighbouring 7 dwellings to the SW are also within this allocated area. The site is unallocated within the Emerging Local Plan.

3.0 PROPOSAL:

3.1 Outline approval is sought for the erection of residential development, access only is applied for. An indicative layout of 34 no dwellings is provided, which shows a mix of semi-detached and terraced properties, served off the existing vehicular access point from Abbey Road North. A pedestrian link from the site to Stretchgate is also proposed.

3.2. To the northern area of the site a large area of public open space is indicated, linking across from Abbey Road North, and across to Stretchgate. This area is adjacent to Shepley Dike.

4.0 RELEVANT PLANNING HISTORY:

4.1 2002/91944 – Erection of 12 flats, 38 residential units and 1 office unit. Granted conditional full permission with associated section 106 agreement.

2004/91362 – Erection of two storey office units for letting with associated car parking and hard and soft landscaping. Granted conditional full permission.

2005/94621 – Removal of condition 19 (improvements to Stretchgate) on permission 2002/91944

2008/90380 – Erection of 4 office blocks and associated infrastructure. Granted conditional full permission.

2012/90078 – Formation of new access road. Granted conditional full permission.

2014/90227 – Erection of 4 dwellings with associated access. Granted conditional full permission.

2014/92459 – Discharge of conditions 6 (boundary treatment), 7 (sightlines), 10 (remediation strategy), 13 (drainage) & 16 (landscaping) on previous permission 2014/90227. Conditions satisfied.

2015/91643 – Outline approval for 4 dwellings. Conditional outline permission

2016/9011 - Reserved matters approval pursuant to 2015/91643 for erection of 4 dwellings. Approval of reserved matters

2016/90007 – Discharge of conditions 9-12 & 15-20 on previous planning permission

2015/91643 Outline application for erection of 4 dwellings. Split decision.

2015/90956 Outline application for 3 no dwellings- Approved

5.0 HISTORY OF NEGOTIATIONS

- 5.1 The applicants have amended the access arrangements in accordance with the requests of the Highways Service, confirming the widths of the highway and footways necessary to serve the entire site.
- 5.2 The applicant has confirmed that the number of affordable housing units will be 7, as opposed to 6 which accords with the Councils Interim Affordable Housing policy

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan:

- B1 – Employment needs of the district
- B2 – Land for business and industry(allocation B4.2)
- B4 – Change of use of land and buildings last used for business or industry
- BE1 – Design principles
- BE2 – Quality of design
- BE11 – Building materials
- BE12 – Space around buildings
- H10 – Affordable housing
- H18 – Provision of open space
- NE9 – Retention of mature trees
- G6 – Contaminated or unstable land.
- T10 – Highway safety
- T19 – Parking standards

Kirklees Local Plan

- PLP 1 Presumption in favour of sustainable development
- PLP 3 Location of new development
- PLP 7 Efficient and effective use of land and buildings
- PLP 8 Safeguarding employment land and premises
- PLP 11 Housing mix and affordable housing
- PLP 21 Highways safety and access
- PLP 22 Parking
- PLP 24 Design

- PLP 27 Flood Risk
- PLP 28 Drainage
- PLP 30 Bio diversity and geo diversity
- PLP 33 Trees
- PLP 47 Healthy and active lifestyles
- PLP 49 Education and healthcare needs
- PLP 53 Contaminated and unstable land
- PLP 63 New open space.

Other documents

SPD 2 Affordable Housing & Interim Affordable Housing Policy
 KMC Guidance on Education needs generated by new development
 West Yorkshire Low Emissions Strategy

National Planning Policy Framework:

- Core Strategy
- Chapter 1 – Building a strong, competitive economy
- 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 and coastal change
- Chapter 11 – Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 This application has been publicised by site notice and neighbour letter. To date 6 representations have been received, the main points being:

- The plan is a sensible solution to this site.
- Support the scheme subject to care being taken regarding the protected trees
- No objection to residential, but object to the density and style of housing indicated on the indicative layout. The density should be reduced to a similar density and style to those 7 dwellings in the SW corner of the site, in accordance with the guidance contained in part 7 of the NPPF “Requiring good design”.
- Detailed comments are made about being overlooked by certain plots, and the accuracy of the access drawing;
- Existing rights of way from a neighbouring dwelling need to be confirmed.
- The site needs proper drainage solutions, there are existing flooding problems on parts of the site.

7.2. Cllr John Taylor- Supportive of the scheme to build 34 dwellings. *Pleased that access from the site to Stretchgate has been incorporated, would ask for some contribution towards improving Stretchgate, in view of the linking role it plays to the village centre. A number of the affordable houses should be “starter homes”; Welcomes the open space provision, but would want safe access to it ie only from Stretchgate and not Abbey Road North.*

7.3 **Kirkburton Parish Council** –The Council welcomed this development, which will provide new public spaces, but would like to see more details on how they will be planted. It would like to see the development include some starter homes, and

ensure that access to the open space will be from Stretchgate , and not Abbey Road North

(NB. For information, there is no proposal to access the potential POS area from Abbey Road North as there is already approval for vehicular access to this site from Abbey Road North).

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Environment Agency- No objections, recommend conditions re finished floor levels; none of the residential development to be within Flood Zone 3 area; Flood refuge areas.

Yorkshire Water Authority- No objections, recommend conditions in the event of approval.

8.2 Non-statutory:

KC Highways -There are no wish to resist the granting pf permission recommend conditions.

KC Environmental Health -No objection recommend conditions regarding decontamination and remediation, and provision of electric charging points.

KC Strategic Drainage- Support the application in principle. Suggest conditions in the event of approval, and in the capacity of the Lead Local Flood Authority regarding surface water issues.

KC Trees- No objections in general. Whilst this is an indicative layout the relationship of 2 of the potential units (ie 27 and 28) relative to a protected tree, should be revisited in the event of a full application.

KC Conservation and Design- the application has been the subject of pre application advice. In general terms this indicative layout follows the advice given, without being a “ full application”. No objections.

KC Public Rights of Way- Welcome that link from the development to Stretchgate is a bridleway. Any additional use of Stretchgate mustn't jeopardise its use as a bridleway.

KC Strategic Housing -There is a demonstrable need for affordable housing within this area. The Councils Interim policy calls for 20% of units.

KC Education Service -An Education contribution is required in this case of this application.

KC Landscaping - The scheme provides in excess of the policy requirement in terms of site area, the majority of which is adjacent the Shepley Dike, and the associated flood zone 3. This is acceptable, and in this case the opportunity for “natural play” in this area is welcome. There is no requirement for on-site play equipment, but an off-site contribution in lieu is required.

Police Architectural Liaison Officer. No objections to the principle of this development. Any reserved matters submission will need to be considered in detail,

especially with regard to the neighbouring footpath (Stretchgate) and relationship to the large area of Public Open Space.

9.0 MAIN ISSUES

- Principle of development/Policy
- Urban design issues
- Highways Issues
- Flood Risk/Drainage issues
- Landscape/Trees issues
- Environmental Issues
- Bio diversity issues
- Representations
- Conclusion

10.0 APPRAISAL

Principle of development/Policy

- 10.1. The site lies within a larger area of land allocated for business and industry on the UDP proposals map (allocation B4.2 – Abbey Road, Shelley), Policies B1 and B2 are associated with such land allocations; Policy B1 seeks to meet the employment needs of the district and Policy B2 identifies site specific locations for that land use.
- 10.2 National planning policies and local circumstances are however also material planning considerations. In this instance the National Planning Policy Framework (paragraph 22) states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of the site being used for that purpose, and where this is the case, applications for alternative uses of land or building should be treated on their own merits having regard to market conditions and the relative need for different land uses to support sustainable local communities.
- 10.3. The application seeks planning permission for residential development, which if approved would be a departure from the Council's UDP.
- 10.4. In relation to the wider site (allocation B4.2), the site has been allocated for business and industry since the UDP was adopted in March 1999. Since then there has been a limited degree of interest for business development on the southern extent of the allocation (planning approvals, reference: 2004/91362 and 2008/90380 – both for office units, neither of which have been developed). However, the majority of the wider site has been subject to residential interest with planning permission granted for residential developments and one office unit (planning approval references: 2002/91944, 2005/94621).
- 10.5. More significantly the adjacent site to the south was granted planning permission for 4 houses reference: 2014/90227 which is under construction and nearing completion, and at the application site there is a recently approved extant outline permission for 4 houses reference: 2015/91643 and an accompanying reserved matters approval reference: 2016/90011. As such there is an area comprising 7 detached dwellings in the SW of the Industrial business allocation, which are nearing completion(some actually occupied)

- 10.6 In view of the above, and given that the office units have not come forward, together with the lack of interest in developing the entire site for business and industry, it appears that the prospect of the whole site being used for that purpose is limited.
- 10.7. In these circumstances paragraph 22 of the NPPF advises that the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose should be avoided. Applications for alternative uses of land should be treated on their merits having regard to market conditions and the relative need for different land uses to support sustainable communities. As the Council is unable to demonstrate a 5 year housing land supply the merits of delivering housing should be afforded significant weight in determining this application.
- 10.8. The surrounding area is to a large extent residential in character and therefore further housing would appear to be appropriate and would not conflict with established surrounding uses. In light of the above and due to it being a relatively small part of the whole allocation site, there are no objections from a policy point of view.
- 10.9. The principle of housing on the site is therefore considered acceptable and in accordance with paragraph 22 of the NPPF and policy B1 of the UDP.
- 10.10. It should be noted that as the wider B2.4 allocation extends over 2 hectares of land if any further residential development schemes for this site come forward where the total number of dwellings including the 3 proposed currently in this application and the 4 already under construction exceed 10 dwelling, then it is likely the affordable housing policies of the Councils will come into play. This is to avoid piecemeal development.

Other relevant policies

- 10.11 Given the scale of the development, and the potential number of units involved, the Councils policies regarding Affordable Housing, Public Open Space and Education Contributions are all relevant:
1012. The Councils Interim Affordable Housing Policy requires the provision of 20% of units. The applicants have indicated on their indicative layout 7no units as affordable. This is in excess of the 20%, and in accordance with the Councils Interim Affordable Housing Policy.
- 10.13. A substantial area of Public Open Space is indicated within the scheme on the northern part of the site adjacent to the Shepley Dike. In terms of area, this substantially exceeds the requirements of Policy H18 in the UDP. There is no requirement for the provision of play equipment on this site, and there is substantial opportunity and benefits for natural play within this large area. An off-site sum in lieu of the play equipment will also be required.
- 10.14 In this case an Education Contribution of £114,211 is required towards the provision of primary and middle school education. This is to be split between Shepley first school and Kirkbirton Middle school.

- 10.15. The applicants have indicated that some of the plots could be considered as “self-build” plots. This is in accordance with the recent “Right to build “ initiative.

Urban Design issues

- 10.16. Whilst access only is applied for at this stage the indicative layout confirms that the site can be developed in an efficient manner, whilst respecting and incorporating the advantages and opportunities of the site (which are in this case, the extensive tree cover surrounding and within the site, and the proximity to the Shepley Dike and the access potential of Stretchgate.
- 10.17 The indicative layout comprises a density of over 20 per ha, on the developable area of the site, which is not considered to be inappropriate. There are a variety of houses around the site, including detached and semi-detached, as well as back to backs /terrace on New Hey Moorhouses. The detached dwellings in the SW corner are adjacent to the back to back houses, and it is considered they co-exist satisfactorily, and accordingly there is no basis to require at this stage a lower density, other than that currently indicated.
- 10.18 Given that this site is allocated for business and industry, it is considered that a comprehensive residential scheme, is more compatible and desirable in urban design terms with the surrounding area, than a Business Park.
- 10.20. The issues of appearance, scale and landscaping, will all be the subject of a future reserved a matters application.

Highways Issues

- 10.21 Access to this site is proposed from Abbey Road North. There is an existing access point, that currently serves the 7 detached properties in the SW corner of the site. This is currently only made up to a private drive standard, but is capable of being widened and improved to accommodate the comprehensive development of the balance of the business and employment allocation.
- 10.22. In 2012 approval for access to the site was granted (2012/90078), and this was to serve the entire site potentially for offices, business and industry. Whilst the type and nature of the traffic is different, it is considered that the access is more than satisfactory to accommodate an additional 34 dwellings.
- 10.23. Access only is applied for at this stage, however the pedestrian link out of the site onto Stretchgate is welcome, and improves pedestrian permeability across the site. There is no wish by Highways DM to resist this development.

Flood Risk / Drainage

- 10.24. The site is located partly within Flood Zone 1, and partly within Flood Zone 3. On the indicative layout the residential development is confined to the Flood Zone 1 area, with the balance of the site being open space ie within the Flood Zone 3 area.

- 10.25. Accordingly, given there is no development within Flood Zone 3, no sequential test is required. However given the size of the site a Flood Risk Assessment has been submitted covering the issue of surface water disposal.
- 10.26. No objections to the principle of development have been received from either the Environment Agency or the Councils Flood Management and Drainage Service (the Lead Authority on surface water) subject to conditions.

Landscape/Trees issues

- 10.27. The site is situated in the bend of the A629 Penistone Road/ Abbey Road North road sitting in the valley bottom adjacent the Shepley Dike. The area is also surrounded by Green Belt. The whole area is very green and profiled with trees, there being TPO's along the northern (adjacent Shepley Dike) and western edge of the site. The neighbouring Wood Lea and Gelder Wood form the whole backdrop to the site along the western side.
- 10.28 Accordingly the majority of the site is a very important feature within the local Landscape, and the retention of over half of the site for open space (within the flood zone) is appropriate, as is the retention and protection of the trees within the site, and which back onto the site to the west.
- 10.29 The area of the POS shown on the illustrative layout is far in excess of the requirements of policy H18, and it is considered that this represents a significant opportunity for the provision of " natural play". There is no requirement for the provision of play equipment on this site as the provision of such features as bunds and swales for natural play would be much more beneficial.
- 10.30. Whilst this is an illustrative layout there will need to be satisfactory distance and protection for the protected trees on and adjacent to the site, as well as the submission of any landscape scheme as part of the Reserved Matters.

Environmental Issues (Decontamination/ Remediation and Air Quality).

- 10.31. The site is capable of being remediated and made fit to receive the new Development (indeed part of the site already satisfactorily accommodates dwellings), and this issue can be dealt with by conditions.
- 10.32. In accordance with the West Yorkshire Low Emissions Strategy, and the guidance contained in part 10 of the NPPF, a condition is recommended requiring the provision of electric charging points for low emission vehicles throughout the site.

Biodiversity

- 10.33. The proposed development, includes a watercourse (Shepley Dike), is close to known records of roosting bats, and is located between two areas identified as part of the existing Kirklees Wildlife Habitat Network (though not actually within the KWHN). Watercourses are categorised as Habitats of Principle Importance.
- 10.34. An Ecological Habitat Survey Report has been submitted with the application, which has been carried out, which identifies the whole site, as being of high ecological value, due to the range of habitats. Of particular value are the

surrounding woodlands(mature trees on the north and west of the site), the watercourses, and the wetland/ marshy areas associated with the watercourse. The Survey recommends that these areas are excluded from any development area, and that any development in principle on the site, provide an opportunity for both mitigation of any ecological effects, as well as enhancement. It also recommends that the existing boundaries and boundary hedgerows be kept intact.

10.35. The illustrative layout, indicates a large natural open space area adjacent to the Shepley Beck, which contains the wetland / marshy areas, and the protected woodlands. This area is to be free from any development, as it is located within Flood Zone 3.

10.36. At this stage only access is proposed with an illustrative layout, however the principle of development on this site (that which is within Flood Zone 1,) has already been agreed with the sites allocation for employment, and the development for housing taking place in the SW corner. It is recommended that the Ecological Landscape Management Plan be conditioned on this site to ensure the biodiversity enhancement of this site. Also this Management Plan should be informed with additional survey work to confirm any necessary mitigation, will be incorporated within it. Also this plan should be completed, and agreed as part of any Reserved Matters, as there may be marginal impacts upon layout, at the edge of the developable area.

Representations

10.36. There have been a number of representations, on this scheme a good many of them positive. There are a number of objections which centre on the following issues.

i) Concern that the illustrative layout is over intensive development, out of character with the area, and contrary to guidance contained in the Councils own policies and part 7 of the NPPF” Requiring good design.

Response: The illustrative layout is not considered to be an excessive density, it represents a range of types of unit, all of which are present in close proximity to the site. The style and materials will be the subject of a reserved matters application. The comprehensive development of the balance of this allocation is welcomed, given the previous piecemeal approach, for the 2 permissions in the SW corner totalling 7 units. These units are large detached dwellings located immediately adjacent to a row of back to backs ie New Hey Moor Houses.

ii) There are existing drainage problems on this site, and any development must not make the situation worse.

Response: There is no development taking place within the Flood Zone 3, and no objections to the scheme are raised by both the Environment Agency and the Councils Drainage/ Flood Management Team(the Lead Authority relating to surface water matters.)

iii) Issues with particular sitings and potential overlooking, blockage of private rights of way.

Response: The layout indicated is only illustrative (it also actually respects the Councils space about buildings standards) and as such any formal siting will still need to be agreed at Reserved Matters stage, and this will be the subject of specific consultation with neighbours.

11.0 CONCLUSION

- 11.1 The site is allocated for business and industry on the Unitary Development Plan, and as such the residential use represents a departure. However the principle of a residential use on this site has been agreed previously, for the new dwellings being completed in the SW corner of the site.
- 11.2 It has been accepted that it is unlikely this site will come forward for the allocated employment use, and as such in accordance with the guidance contained in the NPPF, and alternative use should be considered. A residential use is considered an appropriate alternative in this location, which is flanked by dwellings, and is within a sustainable location relative to the centre of Shepley village.
- 11.3. The scheme delivers full contributions towards affordable housing, POS, and Education, each of which will, be secured through a Section 106 agreement.
- 11.4 Access to the site is acceptable, utilising and improving an already agreed access point off Abbey Road North. Whilst the internal layout is still to be applied for, the principle of a pedestrian link out of the site into Stretchgate is welcomed. Also the site is capable of being satisfactorily remediated and drained,(with the developable area, not extending into Flood Zone 3 next to the Shepley Dike).
- 11.5. 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 and is therefore recommended for approval.

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

- 1. Approval of details of the layout, 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. Drainage conditions(Temporary drainage solutions; overland flood Routing, surface water flow and attenuation.)**

- 7. Environmental Health conditions- decontamination/ remediation; electric charging points**
- 8. Landscape /Bio diversity Management Plan.**

Background Papers:

Application and history files.

Website link www.kirklees.gov.uk

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

Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 07-Sep-2017

Subject: Planning Application 2017/91221 Outline application for erection of 12 apartments adj, 5, Hartshead Court, Hightown, Liversedge, WF15 8FG

APPLICANT

S A Russell

DATE VALID

04-May-2017

TARGET DATE

03-Aug-2017

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Liversedge and Gomersal

yes

RECOMMENDATION: REFUSE

1. The site is allocated as urban greenspace on the Unitary Development Plan, and as such the proposal is contrary to Policy D3 of the UDP and there are no material considerations including the provision of new housing that outweighs the sites value as urban greenspace.
2. The scheme fails to provide any affordable housing, and is therefore contrary to the Councils Interim Affordable Housing Policy, and the guidance contained in part 6 of the National Planning Policy Framework “ Delivering a wide choice of high quality homes”.
3. By virtue of its scale and bulk, the proposal represents overdevelopment of this site, resulting in a development that is out of character with and detracts from the visual amenities of the area, contrary to Policies BE1 and BE2 of the Unitary Development Plan, and part 7 of the National Planning Policy Framework “Requiring good design”.
4. Insufficient information has been provided with this application regarding bin storage and collection, speed survey, and access and access point, to enable an informed highways assessment to be undertaken to ascertain if the scheme is satisfactory with regard to highway safety, accordingly the scheme is considered to be contrary to Policy T10 of the Kirklees Unitary Development Plan.
5. The proposed layout with the use of front and rear garden areas for parking, and turning is considered likely to result in undue disturbance for neighbouring dwellings, and the lower floors of the propose apartment block, detracting from residential amenity contrary to Policy BE1 (iv) of the Kirklees Unitary Development Plan.

1.0 INTRODUCTION:

- 1.1 This application is brought to the Strategic Committee as it constitutes a departure from the Unitary Development Plan.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site comprises an area of 0.143 ha, and is located on the eastern side of Windy Bank Lane Liversedge. To the north of the site is a residential development known as Hartshead Court, comprising 4 no detached dwellings and 2 bungalows. To the south and east of the site is an old school playing field.

- 2.2 The site is a green field site and reasonably level, stepped down slightly from the neighbouring dwelling on Hartshead Court.
- 2.3 The site is allocated as Urban Green space on the Unitary Development Plan, and is part of a larger potential housing allocation (including the neighbouring playing field) on the Emerging Local Plan.

3.0 PROPOSAL:

- 3.1 Outline permission is sought for residential development, with access, layout and scale applied for. Initially the proposal was for a block of 18 no 2 bed apartments, 3 no storeys in height, with access taken off Windy Bank Lane, via an existing access point serving the site, with car parking laid out to the front and rear of the block.
- 3.2 The applicants have submitted two sets of amended plans reducing the number of apartments to 15, and then to 12 apartments. This reduces the original roof height, and removes the rear projection from the block. The block is still 3 no storeys in height, and with the exception of a narrow vehicle access to the north the full width of the site.
- 3.3. Access to the site has been relocate to the centre of the frontage, and a total of 18 parking spaces provided, both at the front and rear of the block, with vehicular access to the rear , in between the proposed block and the adjacent dwelling no 5 Hartshead Court

4.0 RELEVANT PLANNING HISTORY:

- 4.1 None relevant

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Concern has been raised at the scale and numbers of units applied for together with parking requirements. The applicants has submitted 2 reduced schemes from 18 apartments to 15, and then 15 to 12 and a revised access point. The number of parking spaces are now 18 for the 12 apartments.
- 5.2 Both sets of amendments have been re-advertised, and are discussed in the assessment below.

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight.

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:

D3 – Urban Greenspace
BE1 – Design principles
BE2 – Quality of design
BE12 – Space about buildings
BE23 – Crime prevention.
T10 – Highway safety
T19 – Parking standards
G6 – Land contamination
H10 – Affordable housing

6.2 Kirklees Local Plan.

The site is part of a larger allocation for housing (H198) proposed to be removed from Urban Greenspace

PLP1 Presumption in favour of sustainable development.
PLP7 Effective and efficient use of land and buildings
PLP11 Housing mix and affordable housing
PLP 20 Sustainable travel
PLP21 Highway safety and access
PLP21 Parking
PLP24 Design
PLP53 Contaminated and unstable land

6.3 Other Guidance

SPD 2 Affordable Housing
West Yorkshire Low Emissions Strategy

National Planning Guidance:

- 6.4 Part 4: Promoting sustainable development
Part 6: Delivering a wide choice of high quality homes
Part 7: Requiring good design
Part 8: Promoting healthy communities
Part 10: Meeting the challenge of climate change, flooding and coastal change
Part 12; Conserving and enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 This application was advertised by site notices and neighbour letters, likewise the amended plans were re-advertised.

7.2 There were 5 letters received objecting to the original proposal, the main concerns were:

- The site is safeguarded for greenspace, on the UDP.
- The new block would not respect the prevailing building line;
- The scale and bulk of the development proposed are out of keeping with the neighbouring properties, and the area;

- The proposals would be harmful to residential amenity, because of excessive bulk, and also invasion of privacy from the apartments to the rear, overlooking garden areas
- The level of parking provision is inadequate.
- The site is located on a dangerous blind bend, and the extra vehicles using the access will cause traffic hazard.
- The drainage provision is unsatisfactory.

One of these objections was withdrawn, subject to reassurances regarding drainage guarantees (NB: No objections have been raised from Yorkshire Water Authority on this scheme)

7.3 The amended plans were re-publicised. 3 additional letters of objections were received. Essentially these repeated the above objections arguing that the reductions submitted did not go far enough to address any of the original concerns.

7.4 One letter of support has been received, indicating, that a development on this site would be a fine place to retire to.

7.5 The second set of amendments ie: for 12 dwellings has also been re- publicised, and to date 2 further letters have been received, reiterating their original objections, and that the amendments do not address concerns.

7.6. Strong concerns at the access being taken direct onto Windy Ridge Road, believe traffic along her averages at least 45-50mph.

7.7 If there is to be development then it would be preferable that the site were developed by another 2/3 detached dwellings.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Yorkshire Water Authority- No objections in principle recommend conditions in the event of approval.

8.2 Non-statutory:

KC Highways DM- This application provides insufficient information to enable an informed highways assessment to be completed (see assessment).

KC Environmental Health- Recommend conditions covering remediation, and provision of vehicle charging points, in the event of an approval.

KC Strategic Housing-No objection to housing in principle. There is a demonstrable need for affordable housing within this area, and in line with the Councils Interim Affordable Housing Policy, 2/3 of the units should be affordable.

KC Conservation and Design- It is not considered that the development will cause any undue harm to the setting of the nearby Grade 2* structure, and Scheduled Ancient Monument known as the Walton Cross. (The Cross is approximately 150m distant from the site.)

Police Architectural Liaison Officer- No comments adverse to the principle of this site being developed for residential. Recommend condition for the submission of Crime Prevention measures at any Reserved Matters stage.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Highways Issues
- Residential Amenity
- Environmental Issues
- Drainage/ Flood Risk
- Objections.

10.0 APPRAISAL

Principle of development

10.1 The site is allocated as Urban Greenspace on the Unitary Development Plan, and as such Policy D3 is relevant.

Policy D3 states:

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

- i) is necessary for the continuation or enhancement of established uses or involves change of use to alternative open space land uses, or would result in a specific community benefit, and in all cases will protect visual amenity, wildlife value and opportunities for sport and recreation.; or*
- ii) includes alternative provision of urban greenspace equivalent in both quantitative and qualitative terms to that which would be developed and reasonably accessible to existing users*

10.2 In view of the recent Supreme Court judgement and the outcome of the appeal at White Lee Road, Bath]ley , Policy D3 is not a policy for the supply of housing and as such as it relates to paragraph 49 of the NPPF. Therefore Policy D5 is considered to be up to date, and should be given full weight.

10.3. Clearly the proposal is at odds with Policy D3, in that the development is for housing, and there is no replacement open space provided either quantitatively or qualitatively. Nor is there any "specific community benefit " resultant from the development and the proposed development constitutes a departure from the development plan.

10.4. The site is a small part of a larger potential housing allocation on the Emerging Local Plan (H189).

10.5 In respect of the emerging Local Plan, the Publication Draft Local Plan (PDLP) was submitted to the Secretary of State on 25th April 2017 for examination in public. The site forms a housing allocation (H297) 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.

- 10.6 The NPPF provides guidance in relation to the weight afforded to emerging local plans. Paragraph 216 states:

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).*

- 10.7 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.

- 10.8 Although the Local Plan is now at an advanced stage it is considered that only limited weight can be attached to the housing allocation in determining the decision and pending the adoption of the Local Plan the UDP remains the statutory development plan for Kirklees. As such the development represents a departure from the UDP and Policy D3, and no specific community benefit offered or demonstrated to satisfy the criteria within policy D3.

- 10.9 Affordable Housing- Given the number of units proposed initially and currently the Councils Interim Affordable Housing policy is relevant. This indicates that 20% of units should be affordable. For 12 apartments that would equate to 2/3 apartments. No affordable units have been offered with this development, the applicants stated intention being to rent them out as retirement apartments

- 10.10 As such the proposal is contrary to the Councils Interim Affordable Housing Policy.

Urban Design issues

- 10.11 As originally submitted the application for 18 no 2 bed apartments, and this has now been reduced to 12 no 2 bed apartments. The neighbouring dwellings on Hartshead Court ie no's 2-5 are detached properties with a pair of bungalows on the northern side. These properties are all part of the same development developed in a distinctive style. Whilst the application site is accessed separately from Windy Bank lane, it physically abuts Hartshead Court. The other dwellings in the area are semi-detached on the junction of Windy Bank Lane and Second Avenue, and detached farmhouse dwellings on the opposite side of Windy Bank, which is within the green Belt
- 10.12. Policy BE2 of the Unitary Development Plan, indicates that new development should be in keeping with its surroundings in respect of design, scale, density, layout building height or mass.
- 10.13. The amended scheme is 3 no storey in height, and fills the entire width of the site apart from a single car width access to the rear parking area of the site. When approaching the site from the south the proposal will result in an overly dominant structure out scale and character with its surroundings, detrimental to the visual character and amenities of the area.
- 10.14. When viewed in relations to properties on Hartshead Court, the bulk and scale of the proposed block is disproportionate to the neighbouring properties, and in design terms there is little to reflect the style and proportions of the neighbouring dwellings. As an example, the fenestration and entrance details, possess a horizontal emphasis, as opposed to the neighbouring buildings which have a vertical emphasis.
- 10.15. The number of apartments involved results in a significant number of parking spaces being required to satisfy the parking standards. The layout shown for the 12 apartments identifies 18 spaces. These spaces together with the necessary servicing and access arrangements, result in the majority curtilage of the flats being hard surfaced, with very little amenity space for the residents and little opportunity for landscaping or screening.
- 10.16 As such it is considered that the proposed apartment block will be out of character with the surrounding area, significantly detracting from the character and visual amenities of the area.

Highways Issues

- 10.18 The applicant indicated that this development was for retirement apartments. The type of apartment and the overall layout of the block do not provide any communal areas, or indication of assistance for elderly/ retired people, and the Local Planning Authority would have no legitimate justification to restricting the occupancy to over 55's. As such there is no justification for any reduction in the parking requirements for 2 bed properties, and it must also be acknowledged that this site is a significant distance from the nearest amenities, not a short walk.
- 10.19 The applicants have provided revised proposals for 12 no 2 bedroom apartments. A single point of access onto Windy Bank Lane is propose with 18 off street parking spaces to the front and rear of the propose apartments.

- 10.20. The proposed access is 4.0m in width and with sightlines of 2.4m x 55m to the north and 2.4m x 62m to the south. No bin collection points are shown on the revised plans.
- 10.21. Whilst the speed limit along Windy Bank Lane is 30mph, the actual speed limits could be higher, and a speed survey should be undertaken to confirm that the proposed sight lines are acceptable.
- 10.22. Bin Storage collection points should be provided in accordance with the guidance for new developments, which would enable bins to be collected from Windy Bank Lane without obstructing the proposed access or the public highway. The width of the proposed access should be increased to 4.5 to enable two vehicles to pass at the access.
- 10.23. This application provides insufficient information to enable an informed highways assessment to be completed.

Residential Amenity

- 10.24. As originally submitted the apartment block contained a rear projection, with a significant number of habitable room windows on 3 floors facing towards the rear curtilages of neighbouring dwellings. The amended scheme for 12 apartments has removed that rear projection, and as such there should be no overlooking or invasion of privacy.
- 10.25. To the rear of the site is an old school playing field (now unused) with a basketball court next to the boundary. Given the site to the rear is now unused, and indicated as a housing allocation in the Emerging Local Plan, it is not considered that any noise or disturbance will affect any new apartments.
- 10.26. The layout for the 12 apartments includes vehicle parking both to the front and rear of the block, with a vehicle access in between the block and the neighbouring dwelling no 5, Hartshead Court. As such there will be coming and goings of vehicles, and parking manoeuvres, with potentially headlights shining into the rear garden areas, and habitable rooms of the neighbouring dwellings. It is considered that this would result in a level of disturbance that would detract from the residential amenities of the neighbouring dwellings, and result in an unacceptable level of amenity for a number of the proposed apartments, particularly those on the ground floor.

Environmental Issues(Contamination/ Noise/ Air Quality)

- 10.27. The site is capable of being remediated and made fit to receive residential development, and there are not considered to be any insurmountable noise issues associated with the site. Given the relatively small numbers of units involved, and the sites location, issues of air quality could be dealt with via the imposition of a condition requiring charging points for low emission cars, in accordance with the West Yorkshire Low Emissions Strategy.
- 10.28. As such there are no environmental concerns with the development.

Drainage/ Flood Risk

- 10.29. The site is within Flood Zone 1, ie he area least likely to flood, and given the limited area of the site no flood risk assessment is required. There have been no objections raised to the scheme from the Yorkshire Water Authority, and the site has been potentially earmarked for housing within the Emerging Local Plan.
- 10.30 As such there is no reason to believe that the site cannot be satisfactorily drained for both foul and surface water, and that these matters could be covered by the imposition of appropriate conditions

Objections

- 10.31. The objections to the scheme and each of the amendments consistently relate to 3 main issues:
- i) The scheme constitutes overdevelopment of the site that would be out of keeping and character with the area
Response. Whilst the scheme has been reduced from 18 to 12 no apartments, it is considered he proposal still represents an over intensive development of the site, that would significantly detract from the character and visual amenities of the area.
 - ii) There is insufficient parking provided for so many apartments, and the access onto Windy Bank Lane is potentially hazardous given the actual speeds that cars drive along that road.
Response: Given the sites location there is no justification for any reduction in parking levels. There is a need for a speed survey to determine if the available visibility is adequate, and a number of detailed issues with the layout (width of access, lack of bin collection details) that need to be satisfactorily demonstrated in the interests of highway safety.
 - iii) The drainage for this site is inadequate.
Response. There has been no objection to the scheme from Yorkshire Water Authority, and there is no reason to suppose that drainage issues cannot be satisfactorily covered by condition. One objector has withdrawn their concerns on this

11.0 CONCLUSION

- 11.1 The site is allocated a Urban Greenspace on the Unitary Development Plan, and as such Policy D3 is relevant, and can be considered to be up to date, and carries considerable weight. The scheme proposal represents a departure from Policy D3 and no “specific community benefit” is offered with the scheme to outweigh the loss of the Urban green space at this time. Also the scheme, given its scale and layout, fails to protect the visual amenities of the area, as required in Policy D3. No affordable housing is offered with the development, which makes the proposal contrary to the Interim Affordable Housing Policy.
- 11.2. In addition to the policy objections to this scheme the details of the building, its bulk, the parking and servicing arrangements, and the relationships to neighbours are all considered to be areas of concern resulting from an attempt to overdevelop the site.

- 11.3. It is accepted that there is a shortage of housing within the district, and that this is a material consideration, however in the above circumstances the presumption in favour of sustainable housing schemes as detailed in paragraph 14 of the NPPF, is not triggered, and refusal of the scheme is recommended.

12.0 RECOMMENDATION

REFUSAL for the following reasons

1. The site is allocated as urban greenspace on the Unitary Development Plan, and as such the proposal is contrary to Policy D3 of the UDP and there are no material considerations including the provision of new housing that outweigh the sites value as urban greenspace.
2. The scheme fails to provide any affordable housing, and is therefore contrary to the Councils Interim Affordable Housing Policy, and the guidance contained in part 6 of the National Planning Policy Framework “ Delivering a wide choice of high quality homes”.
3. By virtue of its scale and bulk, the proposal represents overdevelopment of this site, resulting in a development that is out of character with and detracts from the visual amenities of the area, contrary to Policies BE1 and BE2 of the Unitary Development Plan, and part 7 of the National Planning Policy Framework “Requiring good design”.
4. Insufficient information has been provided with this application regarding bin storage and collection, speed survey, and access and access point, to enable an informed highways assessment to be undertaken to ascertain if the scheme is satisfactory with regard to highway safety, accordingly the scheme is considered to be contrary to Policy T10 of the Kirklees Unitary Development Plan.
5. The proposed layout with the use of front and rear garden areas for parking, and turning is considered likely to result in undue disturbance for neighbouring dwellings, and the lower floors of the proposed apartment block detracting from the residential amenity contrary to Policy BE1 (iv) of the Kirklees Unitary Development Plan.

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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Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 07-Sep-2017

Subject: Planning Application 2016/93948 Formation of landfill incorporating access and turning facilities and erection of temporary fencing Land North West, Hog Close Lane, Holmfirth, HD9 7TE

APPLICANT

Peter Turner

DATE VALID

23-Nov-2016

TARGET DATE

18-Jan-2017

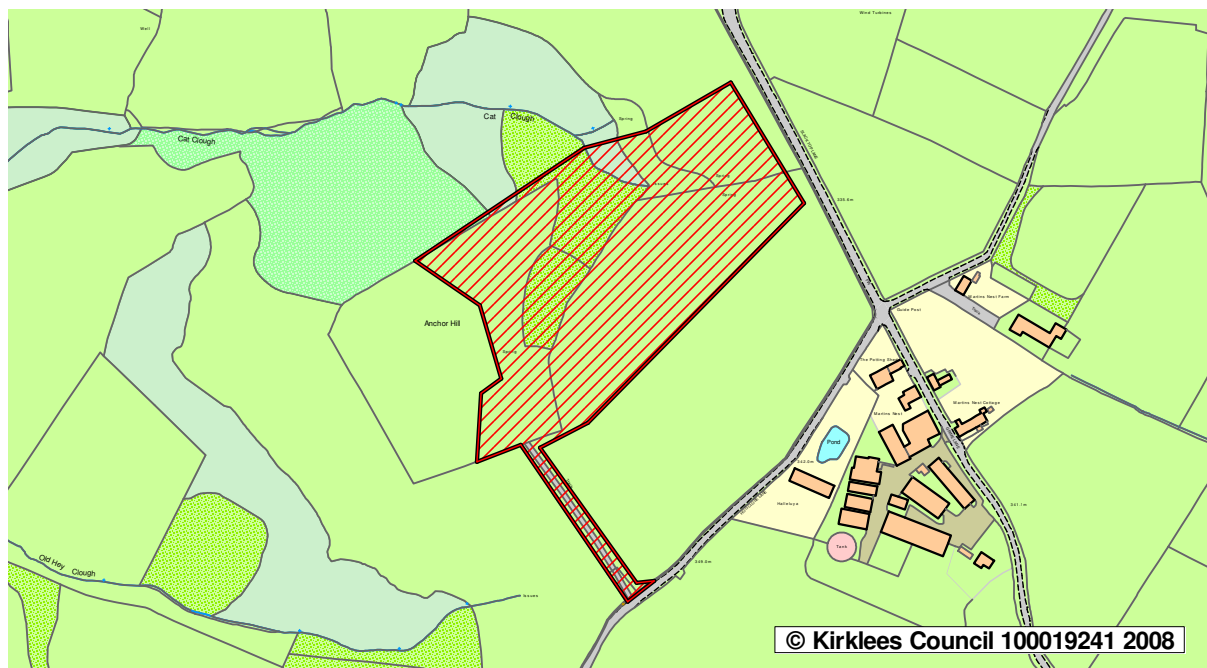
EXTENSION EXPIRY DATE

14-Mar-2017

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Holme Valley South

Yes

Ward Members consulted

RECOMMENDATION: Refuse

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 to planning policy guidance in Section 9 of the National Planning Policy Framework.

2. The applicant has failed to demonstrate that this development would not have a detrimental impact on known private water supplies downstream from the application site which may be fed from the water course running through Cat Clough. This would be contrary to Policy WD5 of the Unitary Development Plan, Kirklees Publication Draft Local Plan policy PLP52 and Section 11 of the National Planning Policy Framework.

3. The applicant has failed to demonstrate that this development would not have a significant detrimental impact on local drainage regimes which would be contrary to Policy WD5 of the Unitary Development Plan, Kirklees Publication Draft Local Plan policy PLP52 and Section 11 of the National Planning Policy Framework.

4. It is considered that a development of this nature, in this prominent location, would create discordant feature within the local landscape which would have a significant detrimental impact on the area's distinctive 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.

1.0 INTRODUCTION:

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

2.0 SITE AND SURROUNDINGS:

2.1 The application site currently comprises agricultural pasture land/rough pasture located off Hog Close Lane, Holmfirth and comprises two fields occupying an area of approximately 3.4 ha. which are separated by a deep clough running from south west to north east. The site is bordered to the north, south and west by open land and to the east by Slack Top Lane. The

land is accessed from Hog Close Lane via an existing field access which would be upgraded to provide access to this site. The character of the area is predominantly rural with isolated residential properties and farmsteads the nearest of which are a residential property off Hog Close Lane approximately 200m to the south east, Farms at Martins Nest 250m to the east and Upper Woodroyd Barn which is a similar distance to the south. The site is immediately adjacent to the Barnsley metropolitan district with Hog Close Lane and Slack Top Lane forming the boundary between the two districts.

3.0 PROPOSAL:

3.1 Originally this scheme proposed to fill the deep gully in the field up to the junction with Cat Clough and then 'contour level' the site to provide a landform that respects and follows the natural contours surrounding the site. Officers estimated this would require approximately 80,000 tonnes of inert material over a period of up to 2 years which would then be restored back to agricultural use. This development would involve the following:

- Infill of the gully within an area of unproductive farmland of approximately 3.4 ha which forms part of Martins Nest Farm.
- Improvements to an existing access track to provide turning facilities and widening the entrance to assist access and egress onto Hog Close Lane.
- Erection of a temporary perimeter fence and gates to secure the site during the fill and restoration phases.
- Restoration of the site to agricultural use
- Environmental works to mitigate the temporary and permanent loss of habitat, to encourage biodiversity and enhance the appearance of the site

3.2 The applicant indicated that the purpose of the development is to help diversify the income of the farm and provide additional revenue to invest in the overall agricultural business. The applicant asserts that it will help make the land more productive once restored.

3.3 The applicant has since revised the original scheme which would see a reduction in the imported fill material by approximately 40% and would only see the void of the cough filled. This revised scheme would be implemented as indicated above albeit with the import of a reduced volume of fill material and include changes to drainage arrangements of the restored site. These drainage changes would involve the creation of a wetland area to the east of the site to retain water and allow it to discharge over a long period rather than the original method proposed which was to use a series of land drains. The applicant considers that this wet land area would increase habitat opportunities in the area (particularly for Golden Plover) and provide a surface water management system which would help to mitigate against flooding further downstream.

4.0 RELEVANT PLANNING HISTORY:

4.1 The site forms part of Martins Nest Farm which is located to the south east of the site and has historically been used as improved and rough pasture.

2013/91569 - Erection of 15kW wind turbine on a 15m mast (approved 13.2.14)

2015/91241 – Installation of 1 no.85kW wind turbine on a 24m monopole mast (approved 29.9.15)

5.0 HISTORY OF NEGOTIATIONS:

5.1 After the receipt of initial consultation responses the following information was sought from the applicant to clarify various issues:

- An amended site plan
- A drainage assessment to deal with concerns raised by the Council's Flood Management Team
- A revised ecological assessment to address issues raised by the Council's Biodiversity Officer
- Additional information regarding HGV tracking and sight lines to address concerns raised by Highways DM

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. 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:

WD4 – Proposals to use agricultural land for the disposal of waste

WD5 – Disposal of waste to landfill

EP4 – Proposals for noise generating uses

EP6 – Existing and predicted noise levels

T10 – Highway Safety

6.3 National Planning Guidance:

NPPF Section 1. Building a strong, competitive economy

NPPF Section 9. Protecting Green Belt land

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

NPPF Section 11. Conserving and enhancing the natural environment

National Planning Policy for Waste

6.4 Kirklees Publication Draft Local Plan (KPDLP)

PLP43 – Waste management hierarchy

PLP44 – New waste management facilities

PLP30 – Biodiversity and Geodiversity

PLP32 – Landscape

PLP21 – Highway Safety and Access

PLP52 - Protection and improvement of environmental quality

7.0 **PUBLIC/LOCAL RESPONSE:**

7.1 The application was publicised by the erection of 4 site notices in the vicinity of the site and the mailing of 4 neighbour letters and an advertisement in the local press. This resulted in the receipt of 5 representations being received from members of the public. The issues raised can be summarised as follows:

- If organic waste is tipped at the site it would lead to problems with odour and pollution.
- The aerial photograph included with the justification statement does not show the wind turbine which is sited close to this proposal or a recently constructed residential property
- The water course running through Cat Clough could be contaminated by the material used to back fill it.
- This proposal could have a detrimental impact on local wildlife including included protected species such as local bat populations and badgers.
- The local highway network does not have the capacity to cope with this proposal and the development would therefore adversely affect highway safety.
- The proposed security arrangements would be insufficient
- The proposal does not include a detailed restoration scheme

- Noise associated with this development would be detrimental to the amenity of the area.
- There has already been too much commercial development in this area already.

7.2 Cllr. N. Patrick made the following comments with regard to this proposal

"I'd like to bring everyone's attention to this planning application to landfill a clough site at Anchor Hill, Hey Slack. To some this will be seen as just a natural hole in the ground that will take several thousand tons of waste, and to others it will be seen as a natural habitat and a spring line. I see this as a test case. A case that will test the authorities theories of what we have to do to prevent surface water flooding. There seems to be this new directive that we have to plant more trees in the upper catchments to take up the water and this view is being incorporated in strategic documents. If permission is granted to landfill this clough then established trees will be cut down. New planting will take place, but not with surface water flood prevention in mind. Simply as a token to replant some trees somewhere else on the site.

This clough is the source of a spring or springs emerging out of the land at Hey Slack. Clearly visible in the OS map extract in the Design and Access Statement. The water flows west and runs down to Barnside and feeds into the River Rake, Rakes Dike and New Mill Dike. This as we all know is a surface water flooding area. Do we really want to landfill a clough at the top of the catchment forcing water to flow faster down the hillside? Or would we rather protect the water catchment area? This is for the planning authority to decide, but that decision will be based on the advice from the EA and Kirklees Strategic Drainage.

Put simply if you fill a bucket of water with earth, the water flows out of the bucket. Removing all the vegetation and landfilling this Clough will mean water flows out of that site quicker than it does now. Is that what we want? Is that what the flood hit properties in Hepworth, Jackson Bridge and New Mill want to see happen? Can this be mitigated?

I think this is a landfill site for the purpose of making money from landfill and there is nothing wrong with that, but the restoration to agricultural land is a side effect not a goal. This is not about improving agricultural land. I doubt if there is the need for a landfill site, given the number of existing quarry based landfill sites locally. Though I understand the site, due to its size, may avoid landfill tax.

So is the need for another landfill site greater and more important than flood prevention? That is the question.

At the east of the ridge at Hey Slack ground water and springs flow east into Broadstone Reservoir. I think that in itself shows the volume of ground and surface water emerging from this land.

I think we need to protect this land for flood prevention and not landfill it. Perhaps the farmers and landowners would be better encouraged, through grants, to plant appropriate trees species to protect this upper catchment.

I am very interested to find out what the EA and Kirklees Strategic Drainage view is. The EA will be consulted automatically from a landfill perspective, but in this case I think it is important for the EA to consider the impact of a landfill here on the flood levels/ surface water flooding downstream including New Mill Dike which is of course enmained."

7.3 Holme Valley Parish Council was consulted on this proposal and indicated that it supported the development.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C. Highways DM – No objections

Environment Agency – No objections but has indicated that this proposal would require an Environmental Permit which could not be issued until the following information has been provided:

- Hydrogeological and hydrological risk assessment based on the nature and
- Quantity of the waste and the natural setting and properties of the location.
- Stability risk assessment.
- Landfill Gas risk assessment.

Barnsley MBC – No objections subject to planning conditions requiring:

- The access being hard surfaced and drained
- The provision of adequate sight lines where the access adjoins the highway
- The production of a highway condition report prior to the development commencing
- The submission of a haul route prior to development commencing
- HGVs to be limited to 8 in and 8 out per day
- Any access barrier to open inwards
- The submission and approval of a construction method statement prior to development commencing
- Hours of operation to be limited to 08:00 to 18:00 Mon to Fri and 08:00 to 13:00 Sat.

8.2 **Non-statutory:**

K.C. Environmental Health – Object due to the lack of information concerning the potential impact of the development on private water supplies downstream of the proposal

K.C. Biodiversity Officer – Object, the Council's Biodiversity Officer has raised concerns that the supporting ecological report did not provide the necessary level of assessment needed for this project.

K.C. Strategic Drainage – Object, As the applicant has not demonstrated that this proposal would not have a significant detrimental impact on local drainage regimes.

9.0 **MAIN ISSUES**

- Principle of development
- Local amenity
- Landscape issues
- Highway issues
- Drainage/Flood Risk issues
- Ecological issues
- Representations

10.0 **APPRAISAL**

Principle of development

- 10.1 It is considered that the key issues upon which this proposal hinges are first whether the proposed development is appropriate development within the Green Belt and if not whether there are very special circumstances to justify allowing it, and second the development's likely impact on visual amenity and the intrinsic character of the local area and whether this impact is acceptable in terms of its effect on the Green Belt.
- 10.2 Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 10.3 Paragraph 87 confirms that inappropriate development within the Green belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 10.4 Paragraph 88 goes on 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 The NPPF sets out a number of core planning principles, one of which indicates that planning should contribute to conserving and enhancing the natural environment.

- 10.6 Para 109 of the NPPF goes on to state that “The planning system should contribute to and enhance the natural and local environment by;
- Protecting and enhancing valued landscapes, geological conservation interests and soils;
 - recognising the wider benefits of ecosystem services;
 - 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, including by establishing coherent ecological networks that are more resilient to current and future pressures;
 - preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land stability and
 - remediating and mitigating deposited, degraded, derelict, contaminated and unstable land, where appropriate.”
- 10.7 In order to form a judgement about the harm caused, it is best to consider firstly whether harm is caused to any of the purposes of including land in the Green Belt as set out in paragraph 80 of NPPF. These are:
- to check the unrestricted sprawl of large built-up areas;
 - to prevent neighbouring towns merging into one another;
 - to assist in safeguarding the countryside from encroachment;
 - to preserve the setting and special character of historic towns; and
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 10.8 The character of the landscape in this area is considered to be that of moorland fringe/upland pasture. Generally this type of landscape has an open isolated character comprising semi improved/rough pasture separated by dry stone walls, with limited tree cover occupying lower lying land within cloughs and gullies. Although containing evidence of manmade structures and activities in the wider landscape, the quality of the landscape in this area is generally good and sensitive to development. In the vicinity of the application site, the land has a managed but tranquil character.
- 10.9 It is considered that, due to its nature, this proposal would conflict with two of the five purposes for including land in the Green Belt in that it would represent urban sprawl and encroachment into the countryside.
- 10.10 Notwithstanding that this development would be temporary in nature, the associated disturbance to the landscape is likely to be evident for several years. The development, which would involve the construction of a high earth retaining bank, would be perceived as a significant man made element within this natural landscape which would detract from openness. Furthermore the proposal would require a significant number of heavy vehicle movements to and from the site which would impinge on the current setting of this part of the district. It is therefore the Council’s contention these issues combined would result in a distinct and clearly perceived reduction in the openness of the Green Belt. This conflicts with the NPPF which indicates that the fundamental aim of Green Belts is to prevent urban sprawl by keeping land permanently open.

- 10.11 Consequently it is considered that this proposal would cause harm to the Green Belt in this locality and therefore constitutes inappropriate development.
- 10.12 With regard to the use of inert waste to facilitate this development, Appendix A of the National Planning Policy Framework contains a waste hierarchy and although this indicates that the most effective environmental solution to the generation of waste is waste prevention, it also indicates that the re-use and recycling of materials are the next best options. Waste Planning Authorities are therefore encouraged to take a positive approach towards dealing with waste in a way which moves its treatment up the hierarchy. In this instance the imported waste would be used specifically to re-engineer contours to facilitate an agricultural use rather than simply being disposed of to landfill. It is therefore considered that this proposal would see the re-use of a significant proportion of inert waste material which is consistent with current national planning guidance.
- 10.13 10.16 UDP Policy WD4 indicates that the disposal of waste on agricultural land will not be permitted if the scheme would divert waste from former mineral workings and derelict land and so prejudicing their early restoration. It is considered that in this instance, as the proposal involves a relatively small amount of waste material, its impact on minerals sites or derelict land under restoration in the district would be very limited. Consequently, subject to the development complying with policy UDP WD5, the development would accord with the aims of UDP policy WD4.

10.14 UDP policy WD5 states:

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

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

10.15 Local amenity issues

10.16 At present the site comprises two fields of open pasture divided by a deep steep sided clough. This provides a pleasant rural setting within the wider area. Consequently the proposed development would inevitably have a detrimental impact whilst the tipping and landforming operations take place. Pedestrians using the adjacent PROWs in the vicinity of the site can currently gain views of the existing site and would therefore be affected to some extent by the proposed works. Whilst the applicant proposes to restore the site back to agriculture, it would include a steep retaining embankment within the clough at the northern boundary of the site which would appear as an engineered form within the landscape. Officers consider that this would appear as a discordant feature within the setting of the site and the development would not therefore accord with UDP policy WD 5(i) or KDPLP policy PLP 24.

10.17 Waste would be transported to the site by heavy vehicles including open skip and tipper lorries. Noise will therefore be generated by the vehicles themselves and during the unloading and working of the waste. The nearest residential properties are located between approximately 200 to 250 metres away from the proposed development and it is therefore possible that the above described activities could adversely affect the amenity of occupiers of those properties. However, it is considered that restricting the number of vehicle movements and hours of operation would be sufficient to mitigate any associated impact. Consequently this proposal would accord with UDP policy EP4, EP6 WD5(i), KDPLP policy PLP 24 and Section 11 of the NPPF with regard to potential noise nuisance.

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

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

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

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

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

- All lorries delivering waste to the site being sheeted

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

Such measures could be required via appropriately worded planning conditions and it is therefore considered that this proposal would not conflict with UDP Policy WD5(i), KDPLP Policy PLP 52 or policy guidance contained in Section 11 of the NPPF with regard to problems associated with dust generation.

10.21 Landscape Issues

- 10.22 The application is not located within an area which benefits from any formal landscape designation. However, it is attractive and sensitive to development. The character of the landscape in the area is that of rough and semi-improved pasture and the wider setting has an open feel and contains pockets of scrub and semi-mature woodland on the lower lying land within the cloughs and valleys.
- 10.23 Although this proposal represents a temporary operation, the works involved would take place over a period of approximately 2 years. This would involve significant operations involving the removal of existing woodland, the stripping and stockpiling of top soil and importing and working a significant quantity of inert waste using heavy machinery.
- 10.24 Public Right of Way (PROW) Hol/134/20 runs to the north of the site and this would allow users of this route views of the site at relatively close quarters. This PROW links with other PROWs in the area and it is considered that the surrounding landscape enhances the experience of users of this route and therefore acts to attract walkers and visitors to the area and therefore provides an attractive recreational facility.
- 10.25 Users' of the aforementioned footpath would gain unhindered views of the landfilling operations and officers consider that there would be a significant detrimental impact on the visual experience of the users of this group.
- 10.26 It is considered that the activities involved in facilitating this development , 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 and therefore adversely affect the character of the local landscape. It is therefore considered that this proposal would not accord with KDPLP Policy PLP 32 or Section 9 of the NPPF with regards to its potential impact on the visual amenity of the area.

Highways Issues

- 10.27 The proposal is supported by a Design and Access Statement (TJ Coates Ltd December 2016) which details the level of traffic expected to visit the site. This is estimated at a volume of 8 deliveries per day (16 two-way movements) via 4-axel 20t tipper vehicles. However, it is likely that this would reduce as the revised scheme involves a significant reduction in the volume of waste imported to the site. The application is also supported by a Proposed Site Layout Block Plan (MJC 172 – 05A) which details the proposed access. Access is to be taken from an existing track off Hogg Lane that serves the application site. The access is to be upgraded to incorporate 7m radii and realigned to allow a 21m straight alignment for vehicles to pass. The access will be widened to 8m in width. The geometric characteristics are considered acceptable and the proposal is acceptable in this regard. Internally to the site a turning head for large vehicles is proposed.
- 10.28 The applicant has provided swept path analysis information which indicates that the vehicles required to facilitate this development can satisfactorily negotiate the proposed access. Furthermore the applicant has demonstrated that adequate sight lines can be achieved at the junction of the access with Hog Close Lane.
- 10.29 The Highway serving the site is in fact located within the Barnsley Metropolitan District. Barnsley MBC has therefore been consulted and as indicated above has advised no objection to the proposal subject to planning conditions to control the issues outlined in paragraph 8.1.
- 10.30 It is therefore considered that this proposal would accord with UDP policy T10 and KPDLP policy PLP21 with regard to its potential effect on the local highway network.
- 10.31 Drainage/Flood Risk
- 10.32 The site includes a watercourse which runs through the clough and acts as a surface water drainage route for the surrounding land. The original proposal was to install a drain within the landfilled valley to allow the area to continue to drain to the existing route. This would comprise a “French Drain” system which would allow any water within the landfill to percolate into a pipe and then discharge into the water course.
- 10.33 The applicant has since revised the scheme to include a wetland area instead of the drainage system originally proposed. The applicant has indicated that this would in effect act as a balancing pond holding surface water and releasing it slowly.
- 10.34 Officers consider that the information provided with regard to the above described drainage systems is insufficient to make a satisfactory assessment of the impact this proposal would have on local drainage regimes and is therefore contrary to UDP policy WD5, KPDLP policy PLP52 of Section 11 of the NPPF.
- 10.35 Ecological Issues
- 10.36 The applicant has provided an ecological report in support of this application, the conclusions of which can be summarised as follows:

- There are no recorded bat roosts within the site and the site does not include any buildings, structures or trees suitable to provide roosting opportunities for bats.
- Badger activity at the site was recorded during the survey work. However, the applicant considers that impacts on local badger populations could be adequately mitigated.
- There are no records of otters using this site and as the water course running through the clough is shallow, stony and not connected to a major river or tributary it is unlikely to provide suitable otter habitat.
- There is no evidence of water voles using the site and the water course in this location does not provide suitable habitat for this species
- The limited loss of woodland and scrub habitat as a result of this development is unlikely to have any significant impact on local wild bird populations
- The site does not offer breeding opportunities for amphibians
- Whilst the site does provide habitat suitable for reptiles, the applicant considers that measures could be put in place to compensate for any habitat loss and no significant impact on reptiles is therefore predicted.

10.37 The ecological report also suggests mitigation and compensation measures to offset the potential impact associated with this development which in summary include:

- The preparation of a badger mitigation strategy and method statement.
- The removal of trees, shrubs and surface vegetation outside the bird nesting season.
- Vegetation to be removed in accordance with measures to reduce potential impacts on reptiles.
- An area of new lowland deciduous woodland to be created to the west of the existing woodland.

10.38 Initially concerns were raised by Barnsley MBC that, whilst the application site borders their district, the ecological report had not used ecological data from the Barnsley Records Centre. As a consequence, the report was subsequently amended to include this data and officers consider this adequately addresses the Concerns raised by Barnsley's ecologist. However, it is considered that the report has not been prepared to the necessary level to provide an adequate assessment of the potential ecological impacts associated with this development.

10.39 It is therefore considered that this proposal does not accord with UDP policy WD5, KPDLP policy PLP30 of Section 11 of the NPPF with regard to the potential impacts of this development on local ecology.

10.40 Representations

As previously indicated 5 letters of objection have been received in relation to this proposal. The concerns raised and associated responses can be summarised as follows:

If organic waste is tipped at the site it would lead to problems with odour and pollution.

Response: The proposal would involve inert waste only and problems associated with odours and pollution would not therefore be an issue.

The aerial photograph included with the justification statement does not show the wind turbine which is sited close to this proposal or a recently constructed residential property.

Response: Following a site visit, the case officer is aware of the above development. It is considered that their absence from the supporting statement does not have a significant impact on the assessment of this application.

The water course running through Cat Clough could be contaminated by the material used to back fill it.

Response: As inert material would be used in this development the potential for the water course to become contaminated is limited. However, the applicant has not provided any information with regard to whether local private water supplies could be affected.

This proposal could have a detrimental impact on local wildlife including protected species such as local bat populations and badgers.

Response: This matter has been addressed in the section of this report titled "Ecological issues"

The local highway network does not have the capacity to cope with this proposal and the development would therefore adversely affect highway safety.

Response: This matter has been addressed in the section of this report titled "Highways Issues"

The proposed security arrangements would be insufficient

Response: This is not a material planning consideration and cannot therefore influence the assessment of this proposal. This is an issue administered by the Health and Safety Executive.

The proposal does not include a detailed restoration scheme

Response: A restoration concept has been included with this application including finished levels. A detailed restoration scheme can be secured by planning condition should planning permission be granted.

Noise associated with this development would be detrimental to the amenity of the area.

Response: This matter has been addressed in the section of this report titled "Local amenity issues"

There has already been too much commercial development in this area already.

Response: Whilst the area has seen a number of planning applications for wind turbine development within both the Kirklees and Barnsley districts, each case must be dealt with on its merits and the fact that other commercial development has been carried out cannot in itself cannot act as a bar to other proposals.

11.0 CONCLUSION

- 11.1 Whilst paragraph 90 of the NPPF indicates that engineering operations may not be inappropriate development within the Green Belt. It makes clear that this is subject to such development preserving the openness of the Green Belt and not conflicting with the purposes of including land in the Green Belt. . As previously indicated, Officers considers that this development would have an inevitable detrimental impact on the openness of this part of the Green Belt and conflict with the purposes for including land within the Green Belt.
- 11.2 Officers consider that there are no very special circumstances to outweigh the significant detrimental impact this proposal would cause to the Green Belt in this area and in accordance with the NPPF cannot be supported.
- 11.3 Furthermore the applicant has failed to demonstrate that this application would not have a detrimental impact on known private water supplies in the area or local drainage regimes.

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 to planning policy guidance in Section 9 of the National Planning Policy Framework.
2. The applicant has failed to demonstrate that this development would not have a detrimental impact on known private water supplies downstream from the application site which may be fed from the water course running through Cat Clough. This would be contrary to Policy WD5 of the Unitary Development Plan, Kirklees Publication Draft Local Plan policy PLP52 and Section 11 of the National Planning Policy Framework.
3. The applicant has failed to demonstrate that this development would not have a significant detrimental impact on local drainage regimes which would be contrary to Policy WD5 of the Unitary Development Plan, Kirklees Publication Draft Local Plan policy PLP52 and Section 11 of the National Planning Policy Framework.
4. It is considered that a development of this nature, in this prominent location, would create discordant feature within the local landscape which would have a significant detrimental impact on the area's distinctive 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.

Website link <http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f93948>

Certificate of Ownership –Certificate A signed: 15.11.17

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KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY

PLANNING SUB-COMMITTEE STRATEGIC

07 September 2017

PLANNING APPLICATION 2017/92268

ITEM 13 – PAGE 19

ERECTION OF EXTENSIONS, ALTERATIONS TO ROOFS AND ELEVATIONS AND INSTALLATION OF SPRINKLER TANK AND PUMP HOUSE

CUMMINS TURBO TECHNOLOGY, ST ANDREW'S ROAD, HUDDERSFIELD.

Coal mining legacy

The second consultation response from the Coal Authority has been received following the submission of a Coal Mining Risk Assessment. The Coal Authority has confirmed they have no objection to the proposal and have requested no planning conditions.

Therefore the officer recommendation no longer requires delegation to negotiate with the Coal Authority on outstanding technical matters. Negotiations with Yorkshire Water are still required.

PLANNING APPLICATION 2017/92235

ITEM 14 – PAGE 31

ERECTION OF NEW EDUCATION BUILDING WITH THE ASSOCIATED LANDSCAPING

UNIVERSITY OF HUDDERSFIELD, QUEENS STREET SOUTH, HUDDERSFIELD.

Drainage impact

Further discussions have taken place between officers, K.C. Drainage and the applicant in regards to additional submitted drainage and water management information, alongside discussions on proposed conditions. An agreement on conditions has been reached in principle, subject to final discussions on wording.

With appropriate conditions K.C. Drainage's initial objections have now been addressed.

Highways impact

For further detail, in support of the assessment contained within the officer report, please see the below table extracted from the applicants Highways Assessment.

Table 2.2 University Staff Percentage Travel Mode Split (2008-2017)

Mode	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Walk	8	7	8	8	12	10	13	12	11	13
Cycle	2	1	4	3	4	5	4	3	3	3
Bus	13	22	16	9	12	17	10	12	10	10
Train	8	12	8	11	15	9	14	17	13	16
Motorcycle	1	1	0	1	1	0	1	1	1	1
Car share (as driver)	13	10	12	7	7	9	7	14	10	8
Car share (as passenger)	1	0	3	7	7	0	6	0	5	5
Car alone	54	47	49	51	42	47	45	39	45	43
Other	0	0	0	1	0	1	0	1	1	1
Total	100	100	100	100	100	100	100	100	100	100

The table shows the broad success of the Travel Plan's initiatives on staff travel methods during the Plan's period (2008 – 2017). Of note is the increase in walking as a mode of transport from 8% to 13% and train from 8% to 16%, along with the decrease as car alone from 54% to 43%.

Separate to the planning application the University is in correspondence with the local Highway Authority. The Transport Strategy team have provided the following brief summary of some of the travel planning and sustainable travel promotion activities that the University have engaged with the council on over recent years;

- The University organise and run an Annual Staff Travel event every April to promote sustainable travel modes and disseminate information, such as timetables, discounted travel offers, ticketing information etc.
- They are members of the WY Travel Plan Network, which is managed by the WY Combined Authority and Leeds Enterprise Partnership. Membership is renewed annually and is dependent on satisfying a number of criteria to demonstrate commitment to sustainable travel and reduction in single occupancy car trips. (See attached renewal form for details of sustainable travel commitments / activities).
- The University's Environmental Co-ordinator has been working to update the Travel Plan this year.
- The University partnered the council in a DfT funded project from 2012 to 2016 targeted at encouraging sustainable travel – the Local Sustainable Transport Fund (LSTF) Access to Education project. For the duration of the project a part-time officer was hosted by the University to promote sustainable travel by running regular events, producing and disseminating information, and coordinating infrastructure improvements, such as the provision of new cycling parking, cctv and lockers.
- The University are currently engaging with the council on feasibility work to improve connectivity between the campus and town centre.

Impact on local economy

For clarification, further to the details provided within the officer report, the agent has confirmed that the proposal would provide 150 jobs during the construction period.

Additional conditions

- In accordance with Arboricultural report
- Submission of Environmental Management Plan
- Provision of litter bins and towpath signage
- Submission of site security measures
- Provision of loading calculations upon the canal wash wall
- Details of SUDS maintenance/adoption
- Submission of Flood Risk Assessment, to include disposal of surface water during construction

Removed condition

- Given the additional information received officers no longer consider a Travel plan condition is required.

PLANNING APPLICATION 2017/90207

ITEM 15 –PAGE 49

OUTLINE APPLICATION FOR ERECTION OF B1 LIGHT INDUSTRY

THONGSBRIDGE MILLS, MIRY LANE, THONGSBRIDGE, HOLMFIRTH.

Floorspace

An additional planning condition is recommended in order to limit the total floor area within the site to no more than 2000m². This is because the submitted Transport Statement has been submitted on the basis that the floor area is no more than 2000m².

B1 use class

The proposed development is for B1 light industry which is B1(c) of the use class order. A planning condition is recommended to clarify the use class proposed.

Hours of operation

To clarify – planning condition no8 as detailed in the officer report proposes to control hours of operation on the site as advised by the Council's Environmental Health officers. The proposed hours of operation are:

07:30 and 18:30 hours Mondays to Fridays

08:00 and 13:00 hours on Saturdays

No working on Sunday or Public Holidays.

Additional comment from objector

We have read the committee report and the recommendations surrounding proposed conditions .We wish to reiterate that we feel a condition similar to the following should be imposed.

A continuous solid fencing shall be introduced on the western boundary adjacent to the residential properties , of a height of some 2 meters above the ground level of the residential properties . Reason - to mitigate the noise and nuisance associated with turning and reversing vehicles on the adjacent residential properties.

A full landscaping scheme to shield our view from our windows which look straight onto the industrial site made up of mature trees and scrubs to ensure it is visually acceptable.

A restriction on hours of opening 8am -5.30pm Monday -Friday and no weekend work as this is when we wish to relax in our home and not be disturbed by noise when in our garden or when sleeping in.

Officer response – as detailed in the officer report, Environmental Health have been consulted on the proposed development based on the concerns raised by the objector who resides in the nearest property to the site. They are satisfied that the hours of operation as proposed above in this update are appropriate in this case.

In respect of fencing and landscaping, these items would be required to be submitted at reserved matters stage. However, planning condition no7 as detailed in the officer report requires that any subsequent reserved matters includes a landscape buffer in the north west corner of the site nearest to the property associated with the objector.

Highways Update

As detailed in the officer report, the applicant has prepared a revised access drawing based on the constraints identified in the report, including the fact that there is an application under consideration for an A1 foodstore on the opposite side of the proposed access so the south of the application site (planning ref – 2017/91796).

In consultation with Highways DM, the applicant is preparing a revised plan in order to address a number of relatively minor concerns raised. There are no objections in principle to the proposed scheme subject to relatively minor alterations in order to deliver a junction that is appropriate for the proposed development and provides a safe and suitable access for vehicles and pedestrians. **Therefore, the officer recommendation is to delegate authority to determine the application back to officers in order to ensure that an appropriately designed access is secured or to utilise the imposition of a suitably worded Grampian condition to cover off site highway works.**

The proposed development is recommended for approval subject to conditions detailed in the officer report and subject to the following additional conditions:

- Limit the use to B1(c) and limit floorspace to no more than 2000m.

PLANNING APPLICATION 2017/92237

ITEM 16 – PAGE 59

ERECTION OF EXTENSION TO WAREHOUSE AND FORMATION OF CAR PARKING AREA

J ROBERTS BRONZE COMPONENTS, ST PEG LANE, CLECKHEATON.

Highway Safety

The existing access to the site is from Spen Bank via public footpath Spen 97/60. This access is considered to be substandard in terms of its alignment and sight line onto Spen Bank, width, access radii and construction, to be able to satisfactorily support the proposed intensification of use.

The applicant has submitted details of a proposed re-alignment of the existing access which would provide perpendicular access to St Peg Lane. This is supported by swept path vehicle analysis. It is proposed the existing access onto the adjacent track will be closed with a fence that does not exceed 1 metre in height for a distance of 10m. In order to facilitate this new access, an existing sub-station is required to be removed and National Grid has informed the applicant that the sub-station is due to be removed within the next 6 months. Highway Services are satisfied that the proposed re-alignment of the access addresses their previous concerns. There are no objections subject to the inclusion of the conditions listed below.

Additional Conditions

5. Details of the design of the access layout including visibility improvements and associated highway works
6. Surfacing and lining of parking and circulation areas
7. The submission of a Travel Plan

PLANNING APPLICATION 2017/92233

ITEM 17 – PAGE 67

OUTLINE APPLICATION FOR ERECTION OF 34 NO. DWELLINGS

LAND AT ABBEY ROAD NORTH, SHEPLEY, HUDDERSFIELD.

8.1 Statutory

Environment Agency: Amended consultation response to ensure that their suggested conditions do not conflict with those advised by the Lead Local Flood Authority, KC Strategic Drainage.

8.2 Non-statutory

KC Landscaping. There is a requirement for play equipment on the site, however in accordance with the Councils Play Strategy it should include elements of natural play, which would signify a playable space (ie children being aware they are entitled to play there). As such no off-site payment in lieu, is necessary.

Additional consultation response from **METRO** request financial contribution totalling £36,690 towards bus stop improvements(including real time information,) and bus only METRO cards.

The applicant has agreed to this contribution which would be secured through the Section 106. They have also indicated that they are flexible as to how the money is used.

Representations from local members have been made about the possibility of improving the neighbouring bridleway Stretchgate, as it forms an effective link from the site to towards the centre of Shepley and the train station. It is considered that a more effective use of the £36,690 contribution could be made if it were to be in part diverted towards improvements to Stretchgate as the route towards the rail station.

Amended Recommendation.

Delegate approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions included within this report and to secure the Section 106 agreement to cover the following matters:

- **Affordable housing (7 units);**
- **Education Contribution £114,211;**
- **On site POS and subsequent maintenance(this to include the provision of natural play features; and**
- **£36,690, towards public transport enhancement, and improvements to Stretchgate**

In the circumstances where the Section 106 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 authorises to determine the application and impose appropriate reasons for refusal under Delegated powers.

OUTLINE APPLICATION FOR ERECTION OF 12 APARTMENTS

ADJ, 5, HARTSHEAD COURT, HIGHTOWN, LIVERSEDGE

A request to defer the application has been received, on the grounds that they have not been afforded an opportunity to respond to late Highway comments. Also the client is away and wishes to be at the meeting.

Officer Comment:

The Highways comments referred to are the highway comments that relate to the latest scheme for 12 units which was submitted to the council on 23rd August 2017.

One additional letter of objection has been received. This states that notwithstanding the further reduction to 12 apartments the changes do not address any of the concerns with the two previous schemes, and their objections still stand.

FORMATION OF LANDFILL INCORPORATING ACCESS AND TURNING FACILITIES AND ERECTION OF TEMPORARY FENCING

LAND NORTH WEST, HOG CLOSE LANE, HOLMFIRTH.

Members should note that the applicant has withdrawn the above planning application. Therefore it cannot now be considered by the committee.

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