

Public Document Pack



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

Julie Muscroft

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Wednesday 27 September 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 5 October 2017**.

(A coach will depart the Town Hall, Huddersfield at 9.00am 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: Interests and Lobbying

1 - 2

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.

3: 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.

4: Public Question Time

The Committee will hear any questions from the general public.

5: 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.

6: Site Visit - Application No: 2017/90955

Outline application for residential development at Forest Road, Dalton, Huddersfield.

(Estimated time of arrival at site – 9.05am).

Contact Officer: Farzana Tabasum, Planning Services

Wards

Affected: Dalton

7: Site Visit - Application No: 2017/91796

Demolition of existing building and erection of Class A1 foodstore, formation of car parking, landscaping and associated works at land off Huddersfield Road, Thongsbridge, Holmfirth.

(Estimated time of arrival at site – 9.35am).

Contact Officer: Bill Topping, Planning Services

Wards

Affected: Holme Valley South

8: Site Visit - Application No: 2017/90207

Outline application for erection of B1 light industry Thongsbridge Mills, Miry Lane, Thongsbridge, Holmfirth.

(Estimated time of arrival at site – 9.35am).

Contact Officer: Matthew Woodward, Planning Services

Wards

Affected: Holme Valley South

9: Site Visit - Application No: 2016/90376

Outline application for erection of 7 dwellings with associated works at land to NE of Wickleden Gate, Scholes, Holmfirth.

(Estimated time of arrival at site – 10.05am).

Contact Officer: Adam Walker, Planning Services

Wards

Affected: Holme Valley South

10: Site Visit - Application No: 2017/90557

Erection of 99 dwellings at Calder View, Lower Hopton, Mirfield.

(Estimated time of arrival at site – 10.40am).

Contact Officer: Bill Topping, Planning Services

Wards

Affected: Mirfield

11: Site Visit - Application No: 2017/91677

Erection of 43 retirement living apartments, 83 bed care home with provision of communal facilities, landscaping and car parking and erection of 7 affordable dwellings at land at, Serpentine Road, Cleckheaton.

(Estimated time of arrival at site – 11.20am).

Contact Officer: Bill Topping, Planning Services

Wards

Affected: Cleckheaton

Planning Applications

3 - 6

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 2 October 2017.

To pre-register, please contact andrea.woodside@kirklees.gov.uk or phone Andrea Woodside on 01484 221000 (Extension 74995).

12: Planning Application - Application No: 2017/91623

7 - 34

Erection of 58 dwellings and associated means of access at land at, Dunford Road, Hade Edge, Holmfirth.

Contact: Louise Bearcroft, Planning Services

Wards

Affected: Holme Valley South

13: Planning Application - Application No: 2016/91967 35 - 56

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

Contact: Louise Bearcroft, Planning Services.

Wards

Affected: Holme Valley South

14: Planning Application - Application No: 2017/91796 57 - 80

Demolition of existing building and erection of Class A1 foodstore, formation of car parking, landscaping and associated works at land off Huddersfield Road, Thongsbridge, Holmfirth.

Contact: Bill Topping, Planning Services

Wards

Affected: Holme Valley South

15: Planning Application - Application No: 2017/90207 81 - 90

Outline application for erection of B1 light industry at Thongsbridge Mills, Miry Lane, Thongsbridge, Holmfirth.

Contact: Matthew Woodward, Planning Services.

Wards

Affected: Holme Valley South

16: Planning Application - Application No: 2017/90557 91 - 108

Erection of 99 dwellings at Calder View, Lower Hopton, Mirfield.

Contact: Matthew Woodward, Planning Services.

Wards

Affected: Mirfield

- 17: Planning Application - Application No: 2017/91677** 109 - 124
- Erection of 43 retirement living apartments, 83 bed care home with provision of communal facilities, landscaping and car parking and erection of 7 affordable dwellings at land at, Serpentine Road, Cleckheaton.
- Contact: Matthew Woodward, Planning Services.
- Wards**
Affected: Cleckheaton
-
- 18: Planning Application - Application No: 2017/91208** 125 - 136
- Outline application for erection of industrial development of up to 3684 sqm B1c/B2/B8, with means of access (to, but not within, the site) from Colnebridge Road at land adjacent to Colnebridge Waste Water Treatment Works at Colnebridge Road, Bradley, Huddersfield.
- Contact: Matthew Woodward, Planning Services
- Wards**
Affected: Ashbrow
-
- 19: Planning Application - Application No: 2017/90955** 137 - 150
- Outline application for residential development at Forest Road, Dalton, Huddersfield.
- Contact: Farzana Tabasum, Planning Services.
- Wards**
Affected: Dalton
-
- 20: Planning Application - Application No: 2017/92312** 151 - 160
- Demolition of existing three storey mill and associated buildings and erection of factory extension adjoining the existing mill building at Ravensthorpe Mills, Huddersfield Road, Ravensthorpe, Dewsbury.
- Contact: Anthony Monaghan, Planning Services
- Wards**
Affected: Dewsbury West
-

21: Planning Application - Application No: 2016/90376 161 -
176

Outline application for erection of 7 dwellings with associated works at land to NE of Wickleden Gate, Scholes, Holmfirth.

Contact: Adam Walker, Planning Services

Wards

Affected: Holme Valley South

22: Pre-Application - Application No: 2017/20041 177 -
184

Pre-application – Former Kirklees College Site, Huddersfield.

(To receive for information.)

Contact: David Wadsworth, Planning Services .

Wards

Affected: Newsome

Planning Update 185 -
202

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

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

LOBBYING

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

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

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

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

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

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

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

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

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

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

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

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

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

Lobbying

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

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

PLANNING POLICY

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

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

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

National Policy/ Guidelines

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

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

REPRESENTATIONS

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

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

EQUALITY ISSUES

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

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

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

HUMAN RIGHTS

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

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

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

PLANNING CONDITIONS AND OBLIGATIONS

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

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

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

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

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

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

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Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 05-Oct-2017

Subject: Planning Application 2017/91623 Erection of 58 dwellings and associated means of access Land at, Dunford Road, Hade Edge, Holmfirth, HD9 2RT

APPLICANT

Jones Homes (Yorkshire)
Limited, C/O Agent

DATE VALID

11-May-2017

TARGET DATE

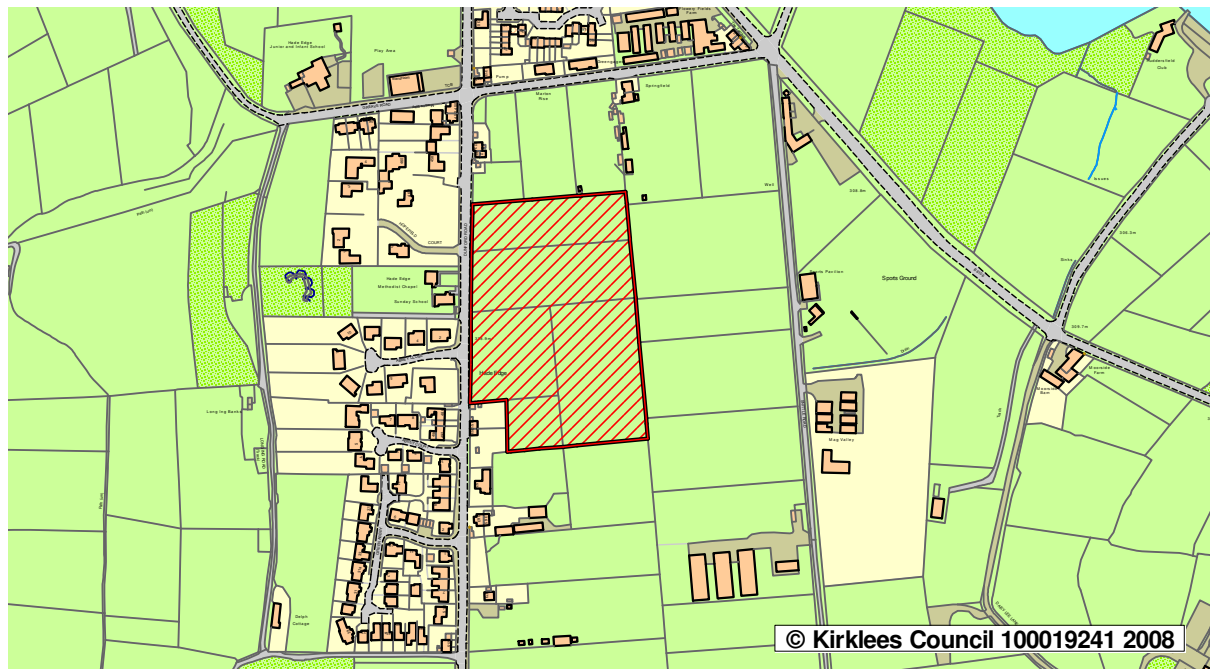
10-Aug-2017

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: Holme Valley South

Yes

Ward Members consulted

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report and secure a section 106 agreement to cover the following matters

1. 12 dwellings to be affordable with a tenure split of six being Social Rented and six being Sub Market.
2. £246,834 towards Education requirements arising from the development
2. £286,762.50 towards Highway Improvement works

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

1.0 INTRODUCTION:

1.1 The application seeks full planning permission for the erection of 58 dwellings and associated means of access on land at Dunford Road, Hade Edge. The site is allocated as Provisional Open Land (POL) on the Kirklees Unitary Development Plan (UDP).

1.2 The application represents a departure from the Development Plan and under the Councils delegation agreement the application would usually be referred to Huddersfield Planning Sub-Committee for a decision. The Local Planning Authority however are also considering an outline application for residential development on the same site which indicatively proposes over 60 dwellings and which would be referred to Strategic Planning Committee for a decision. Officers consider it appropriate to refer both applications to the same planning committee for determination. This is in accordance with the agreement of the Chair of Strategic Committee.

1.3 The application was deferred from the 10th August meeting to await the consultation responses from Natural England and the Peak Park, and to consider how the S106 contributions could be best spent in the local area in particular with redirecting the POS contribution and the travel cards contribution towards local highway improvements. Natural England have now provided their comments and they have agreed with the councils Habitat Regulations Assessment conclusion

that, subject to mitigation measures being implemented, the scheme will not have an adverse effect on the integrity of the South Pennine Moors SAC / SPA.

1.4 The Peak Park objected to the development that the proposed suburban house designs, layout and use of artificial building materials would fail to re-inforce local distinctiveness. They consider this would have an adverse impact on the setting of the National Park. The applicant has provided an updated site layout, a revised landscaping plan, details of boundary treatments, and updated house types which would now be constructed of natural stone. The Peak Park Authority was notified but no further comments were received.

1.5 Ward Members were invited to discuss how the S106 contributions could be best spent. These discussions are detailed in the report below.

2.0 SITE AND SURROUNDINGS:

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

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

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

3.0 PROPOSAL:

3.1 The application is a full application for 58 dwellings and associated means of access.

3.2 The proposed layout includes a mix of detached, semi-detached and terraced properties. The dwellings would be two storeys in height with the exception of a pair of semi-detached bungalows. The proposed materials are natural stone walling and slate grey roofing tiles.

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

4.0 RELEVANT PLANNING HISTORY:

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

5.0 HISTORY OF NEGOTIATIONS:

5.1 Officers negotiated with the applicant to:

- Secure revisions to the layout to address the density of development and landscaping matters.
- Secured material for the construction of the dwellings

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

Kirklees Draft Local Plan

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

Supplementary Planning Guidance / Documents:

6.3 Kirklees Council Interim Affordable Housing Policy

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

National Planning Guidance:

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

7.0 PUBLIC/LOCAL RESPONSE:

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

The concerns raised have been précised below as follows:

7.2 Principle of Development

- Hade Edge is an isolated upland village, closely linked to the Peak National Park. The village is located at high altitude with inclement climate. Hade Edge is in an unsustainable location due to the topography of the area, lack of services and poor public transport.
- HEFF consider the proposed housing allocation is flawed and unsound. HEFF contend that the draft allocation should carry little weight and time should be given to debate the relevant issues before the Inspector. A decision on the application before then would be premature given the unique characteristics of the village and the application site.
- As part of the evidence base for the emerging local plan, Kirklees produced a settlement appraisal which ranked Hade Edge 52 out of 53 settlements for access to employment, education, healthcare and town and local centre facilities.
- HEFF consider the Council's sustainability appraisal is unreliable.
- The application does not improve local infrastructure or services and it disproportionate in size for a small village.
- The development is contrary to the need to move towards a lower energy and carbon footprint future and have provided supporting calculations.
- The number of houses is too high given the lack of sustainability and the size of the village.
- The development will spoil a rural village, have an impact on the local Farming community and reduce farming land.
- The development will change a beautiful small village into a town and is not wanted by local residents.

- The development is not sustainable, public transport is infrequent and easily disrupted. The nature of the incline means that residents in Hade Edge rarely travel on foot or by cycle.
- Kirklees has rejected a single dwelling in Hade Edge Ref 2009/91808 on sustainability grounds.
- Working from home is infeasible due to fragmented broadband infrastructure.
- In the Local Plan Rejected site options the land was cited as being inappropriate for development.
- The main demand for housing is in Kirklees North, a development of 3-5 bedroom homes will not target this demand.
- The development will be solely reliant on private car commuting.
- The size of the development will increase the village's overall size by around 30%.
- The proposal will contravene the NPPF for limiting infilling of villages in the green belt.
- This is a sensitive site, and proposing a housing estate on this scale would be inappropriate. It is only 1Km from the Peak District National Park boundary, visible from it, and only ½ Km from the substantial area of upland Pennine Access Land. Bare Bones Road is the PDNP boundary, as well as the Barnsley and S. Yorks boundaries.
- Bus Services to and from the village run only 3 return services per day.
- Although the village is only 2km from Holmfirth, the topography makes walking to amenities impossible.

7.3 Highway Safety

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

7.4 Air Quality

- Health effect of vehicular air pollution

7.5 Design and heritage

- The types of houses shown are standard, little effort has been made to assess the character and nature of the village. The design of the houses needs to incorporate materials which are more complementary to the village and suitable for the location.

- The property's proposed are completely out of character with the local environment and other buildings and property's. Will be a complete eyesore and spoil the landscape.
- The scale of development will swamp the village and change its character.
- The site access will be directly across from a Grade II listed chapel.
- The Kirklees landscape character assessment stated that this character area provides an immediate setting to the Peal District National Park.
- The design and materials are not in keeping.
- The character of the area will lose its wildness and make it a plastic commuter belt.
- The grade II listed Methodist Chapel and Sunday School will lose its open aspect across the fields.
- The design is of poor quality that does not reflect the nature or character of the Valley's vernacular.
- Concern about an urban 'canyon effect' along this stretch of Dunford Road, out of keeping with the village's open character, and proximity to the moors.

7.6 Residential Amenity

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

7.7 Wildlife

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

7.8 Drainage

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

7.9 Other

- The layout raises concern that the scheme could be extended onto land either side. This application could increase the size of the village by around 35%, by incorporating adjoining land, the village could double in size – this is completely disproportionate for a small village with its current level of services and infrastructure.
- Concern the proposal will have a serious impact on the operation of the Turkey Farm.
- If we have to have a new development in Hade Edge, then please could it include a shop

- The local village school is at full capacity, there are no vacancies and it is operating at full numbers. The school infrastructure in Hade Edge and the surrounding schools will not cope.
- Transport to Holmfirth High School would add a costly overhead for Kirklees. The burden would be £246 per child per year
- The clean water supply is reliant on pumps at Hade Edge Reservoir. There have been 8 losses of pressure in 999 days.
- Concern about noise from the turkey farm.
- The residents questionnaire issued by Savill's was not balanced. HEFF have carried out their own community questionnaire. The village questionnaire shows without exception that local residents are opposed to the development.
- Hade Edge experiences colder weather which has an impact on heating a house. It takes a lot more to heat a house in Hade Edge than Huddersfield. Building a new estate will lead to people moving in and then moving again after the first winter. That will lead to a lot of expense for low income residents.
- There is no need for this kind of open market housing development in the village.

7.10 **Holme Valley Parish Council**

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

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

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

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

Members also have concerns about the following:

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

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C Highways – No objections subject to conditions

Yorkshire Water – No objection

Natural England – Subject to mitigation measures being implemented, the scheme will not have an adverse effect on the integrity of the South Pennine Moors SAC / SPA.

Peak District National Park Authority- Object

8.2 Non-statutory:

K.C Environmental Services – No objection

K.C Arboricultural Officer – No objection

K.C Conservation and Design – No objections

K.C Ecology Unit – No objections

K.C Flood Management –No objection

Crime Prevention –No objection

Housing – No objections

Education – No objections

Landscape – No objections.

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development:

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

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

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

- 10.3 The weight that can be given to Policy D5 in determining applications for housing must be assessed in the context of NPPF paragraphs 49 and 215. These indicate that policies regarding housing should not be considered up to date unless the authority can demonstrate a five year supply of housing. The Council is currently unable to demonstrate a five year supply of deliverable housing sites.
- 10.4 The weight that can be given to policy D5 in these circumstances is that this policy is up to date and must be weighed in the balance.
- 10.5 Paragraph 14 states that there is a presumption in favour of sustainable development. For ‘decision taking’ this paragraph goes on to state that this means where relevant policies are out-of-date, planning permission should be granted *“unless any adverse impacts ... would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted”*. However, Paragraph 119 of the NPPF makes it clear that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats directive is being considered. Paragraph 119 states: *The presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined*. Consequently given the need for a Habitat Regulations Assessment the presumption in favour of sustainable development will not apply in this case and consideration of the merits of the proposal must be weighed against the negatives.
- 10.6 Consideration must be given as to whether the proposal is sustainable development. The NPPF identifies the dimensions of sustainable development as economic, social and environmental (Para.7). It states that these facets are mutually dependent and should not be undertaken in isolation (Para.8). The proposal has been assessed against each role as follows:
- 10.7 The site is located within the village of Hade Edge. The village is within a rural location with a limited public transport service. The closest bus stops are located on Dunford Road and Greave Road and provide services to Penistone and Holmfirth, New Mill, Hepworth, and Huddersfield. Future residents of the development are likely to rely on private transport to access jobs, shops and other services and it is acknowledged that the site is not well served by public transport. There are some local facilities within the village, including a junior and infant school, a butchers and food hall, a band room, recreational area, a public house and a Methodist chapel and Sunday school. Residents would generally have to travel outside of the village however to access health, shops

and employment opportunities. The village has a bus service, but is poorly connected in comparison with many other towns and villages in the district. It could be argued that an increase in population could create demand to help generate a degree of voluntary social / community organisation although it is recognised that this would be extremely marginal. Accessibility however is only one aspect of overall sustainability and it is necessary to assess the economic, social and environmental aspects of the proposal.

- 10.8 A proposal for 58 dwellings provides economic gains by providing business opportunities for contractors and local suppliers. There will be a social gain through the provision of new housing at a time of general shortage and the scheme will be subject to an affordable housing contribution which is a positive role of the development. The development of a greenfield site represents an environmental loss. However, whilst national policy encourages the use of brownfield land for development it also makes clear that no significant weight can be given to the loss of greenfield sites to housing when there is a national priority to increase housing supply.
- 10.9 In terms of more detailed issues within the site, NPPF paragraph 58 sets out the requirement for developments to “*optimise the potential of the site to accommodate development*”. As this proposal only covers part of the POL site, the proposal would need to demonstrate that it does not prevent the remainder of the POL site being developed. The POL allocation includes land to the north and the south of the site which could be accessed off Dunford Road. Accordingly, the proposal would not prevent the remainder of the POL site being developed.

Kirklees Publication Draft Local Plan

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

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

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

- 10.12 The above is further supplemented by guidance in the Planning Practice Guidance (PPG). The PPG states that “*arguments that an application is*

premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

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

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

The Planning Balance

10.14 In assessing the planning balance of the application consideration has been given in relation to social, economic and environmental factors. The social and economic benefits the proposal would provide the provision of 58 dwellings and would make a significant contribution to the housing land supply. In conclusion the planning judgement on the proposal is that the benefits of housing provision weigh heavily in favour of the proposal and the adverse impacts of the loss of this green field and POL site do not demonstrably outweigh the benefits of developing the site, when considered as a whole along with all other relevant material considerations. The proposal would accord with the Core Planning Principles of the NPPF.

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

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

10.16 The core planning principles in the NPPF provide guidance on design and state that new development should “*always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.*” Paragraph 56 states, “*The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.*” Paragraph 58 states that decision should aim to ensure that developments establish a

strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. These policies are further supported by Policies BE1 and BE2 of the UDP which state that new development should create or retain a sense of local identity and is in keeping with surrounding development in respect of design and layout. Policy PLP24 of the KPDLP states good design should be at the core of all proposals such that the form, scale, layout and details of all development respects and enhances the character of the landscape.

- 10.17 Within the village existing dwelling houses are predominately two storeys in height and of natural stone construction, with stone boundary walls. There are prominent views of the site from Penistone Road looking west towards Dunford Road. The existing village and the application site are not within a conservation area; however to the west of the site (opposite the proposed access) are the Hade Edge Methodist Chapel and Sunday School which are grade II listed buildings.
- 10.18 A proposal for 58 dwellings will represent a relatively substantial increase in the number of existing dwellings within the village and the development would be prominent, in particular from views off Penistone Road. The layout proposes a row of dwelling houses fronting onto Dunford Road, with the remainder of the dwellings located off a central estate road leading to cul-de-sacs and private drives. A mix of property types are proposed, the majority of which would be two storeys in scale all of which would now be constructed of natural stone.
- 10.19 A revised layout plan has been secured to omit 1no dwelling which has improved the relationships between the proposed dwellings, the proposed number of dwellings is now 58. The proposed density of development, when considering the numbers of dwellings and size of site is not considered to be high, and taking a balanced view of the layout officers are of the opinion that this scheme is acceptable.
- 10.20 A Landscape and Visual Impact Assessment accompanies the application. A summary of the comments of the Council's Landscape architect are included below.

Assessment

- 10.21 The report identifies the site as lying within local landscape character type D 'Moorland Fringes/Upland pastures' and within landscape character D7 Low Common, Royd Moor and Whitley Common. This is incorrect and should be D7 Peak Fringe Upland Pastures.
- 10.22 The report's Landscape Baseline assesses the site as being in a moderate condition and having a moderate landscape value. The Council's Landscape Architect notes the site has character and value as a local working landscape and part of the village plan. It has features worthy of conservation; a defined sense of place and some detracting features. The assessment of moderate is considered to be fair.
- 10.23 The report addresses the magnitude of the landscape effects upon the receptors in particular the effect on the North Peak District fringe the border of which is 1 Km to the south. The sensitivity of the landscape character is considered to be Medium. There will be more impact at a local level but the

site will be seen from some medium and long distance views that are not the peak district edge; the impact is subjective and will depend on the design mitigation used to blend the development into the landscape.

- 10.24 The report states the magnitude of effects on landscape character is small; and the extent of the landscape change would be localised and confined to the immediate setting due to the existing vegetation and varied natural topography. It goes on to say the effect on the landscape character will be slight, bringing some change to the landscape and would not constitute an adverse landscape effect or significant environmental effect' The Council's Landscape architect considers the development will have an impact greater, and will be a matter of how well the impact can be mitigated by design and planting. The proposal will have a medium landscape impact.
- 10.25 The susceptibility and sensitivity of neighbouring residential visual receptors is considered to be High. The value of the receptors in close proximity such as on Dunford Road and Greave Road are considered to be High and at further distances, for example individual properties at Flight Road, Medium. The value of the view is judged because of the relatively moderate scale of the proposed development and intervening vegetation on the varied topography.

Assessment of Visual Effects on the Peak District National Park

- 10.26 The Peak District Boundary is 1 Km south of the proposed site. Hade Edge sits on a lower Pennine plateau and the landscape rises to the edge of the higher plateau where the boundary line is along Bare Bones Road. It is agreed that the views from the Park boundary would be deemed to be of High sensitivity but actual magnitude of change would be assessed as Moderate from the viewpoints where the site can be seen and will have a slight effect on the National Park as a whole. Officer's consider that the development proposed will not be highly visible from the Peak park and the applicants visual assessment is considered to be accurate.

Landscape Strategy

- 10.27 The landscape plan shows planting to the west boundary only along Dunford Road, there is no other planting except for sections of beech or hornbeam hedgerow and a few random trees on the east boundary; this does not form any screen or filter of views. There are trees proposed for mostly front gardens; there are no rear garden trees which would form the screening and mitigation to outward views. There are no street trees. Hedgerows and supplementary planting do not flow together or join up to form biodiversity connectivity, there are no areas of planting dedicated to biodiversity or wildlife, there is no suggestion of this in the planting plan; there is no hint of how this landscape planting plan assimilates into the wider context; there is no consideration of the upland landscape, its micro-climates or local flora and fauna.

Overall Conclusions

- 10.28 The site should be seen as characteristic and valuable as part of the local landscape and although within it is seen as moderate or of medium importance and should accept capacity to change, it needs to change within the context of the locality; it still requires to be part of the local landscape and the landscape plan does not express this. There is no consistency with

existing areas of vegetation; there is no clear screening; there is no evidence of improved biodiversity and it is hard to understand what reinforces the landscape character of the locality. A correct landscape plan that pays some respect to the locality; that screens and mitigates views; that seeks to integrate with the locality and provides opportunities for nature and biodiversity would affect the necessary positive change that is required and negate any concerns over moderate effects.

- 10.29 The Peak Park has provided their comments on the application. They are concerned that the scale and layout of the proposal would significantly fill this space and add a heavier urban quality that would be conspicuous in the scenery and landscape character flowing from the National Park. They note the location of the site, proposed suburban housing designs, layout and use artificial building materials would fail to re-inforce local distinctiveness by introducing a further development of a suburban character. As such it would be incongruous and have an adverse effect on the setting of the National Park and therefore the character and enjoyment of the National Park itself.
- 10.30 In response to these comments an updated landscaping scheme has been submitted which now proposes hedge planting with native species along the southern, eastern and north boundaries of the site and the retention of stone boundary walls along the frontage of the site. Revised house types have also been submitted which propose the use of Natural Stone throughout the scheme. The Landscape and Visual Assessment has been updated to reflect these revised plans. The proposed mitigative planting will integrate the proposed development into the rural village landscape. This is particularly important considering the prominent nature of the site and the extent of development in relation to the existing village of Hade Edge. Comments from the Peak Park requiring a more urban layout are not considered to be appropriate in this rural location within a village setting. Suburban layouts are generally more spacious and contain greater areas of landscaping. Although the proposal is not considered to be a spacious layout, this needs to be balanced against the positives of providing 58 dwellings in an area that is considered to be sustainable within and is preferential flood risk perspective. These positives and the economic benefits to the economy at a time when the council do not have a 5 year housing supply are considered to outweigh the other identified elements.
- 10.31 Section 66 (1) of the Listed Buildings Act states “in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. It is proposed to form an access to serve the development directly opposite the grade II listed Methodist Chapel and Sunday School. The proposal would also introduce built development along the Dunford Road frontage opposite the listed buildings. It is considered however the proposal would not adversely impact upon the architectural significance of the adjacent Grade II listed buildings.
- 10.32 UDP Policy BE23 states that new developments should incorporate crime prevention measures to achieve pedestrian safety on footpaths; natural surveillance of public spaces; and secure locations for parking areas. The NPPF states that planning should promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. This consideration relates equally to the impact of

the development on existing residents and the future amenity of users of the application site. The West Yorkshire Police Liaison officer raises no objections to the proposal.

Residential Amenity:

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

10.34 The proposed relationships with neighbouring properties are as follows:

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

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

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

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

Highway Safety Matters:

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

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

Road Safety Audit and associated swept path analysis vehicle tracking have been provided and are considered acceptable.

- 10.39 These proposals are considered acceptable and highways have no wish to object to the granting of planning permission subject to the imposition of conditions. Highways DM previously recommended that the developer contributes towards sustainable travel incentives to encourage the use of public transport and other sustainable travel modes through a sustainable travel fund. The fund could be used to purchase discounted MetroCards for all or part of the site. Other uses could include personalised travel planning, car club use, cycle purchase schemes, car sharing promotion, walking / cycling promotion and or further infrastructure enhancements. The payment schedule, mechanism and administration of the fund and RMC scheme would be agreed with KCC and WYCA and detailed in a planning condition or S106 agreement. The contribution appropriate for this development would be £31,762.50. Following the last committee meeting Members commented that they considered the reallocation of the travel cards contribution towards local highway improvements they considered necessary, fairly related and related to the development in scale and kind and reasonable. The recommendation to committee has responded to this and the contribution has been added to an obligation to pay the Council towards local highway improvements in Hade Edge.

Ecology Matters:

- 10.40 UDP Policy EP11 requires that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. Policy PLP 30 of the KPDLP states the Council will seek to protect and enhance the biodiversity and geodiversity of Kirklees, including the range of international, national and locally designed wildlife and geological sites, Habitats and Species of Principal Importance and the Kirklees Wildlife Habitat Network.
- 10.41 The application site is located within proximity to the South Pennine Moors Special Protection Area (SPA) which is designated for internationally important populations of birds. Any land outside of the SPA boundary that is used for foraging by individual birds breeding within the SPA should be considered functionally linked to the SPA. Golden plover in particular will utilise agriculturally improved grassland and females regularly fly in excess of 6 km from nest to feed. Males forage exclusively at night during the breeding season and fly up to approximately 2.5km from the nest site.
- 10.42 The applicant was required to provide evidence to demonstrate that the proposal would not result in a likely significant effect on the SPA or its qualifying features or lead to an adverse effect on the integrity of the SPA. In order to demonstrate that the proposals will not have an impact on functionally connected land a suite of bird surveys was required during the breeding season to determine whether the site is used for foraging by SPA birds (and therefore considered to be functionally connected to the SPA).
- 10.43 The application is supported by a Phase I survey and a Golden Plover Survey to ascertain if the site is being used for foraging by the qualifying features of the South Pennine SPA. The survey was undertaken from mid-March to mid-May. Throughout the course of the surveys no Golden Plover, Merlin or short-eared Owl (SPA Qualifying features) or other designated features Dunlin,

Twite, Curlew or Kapwing were recorded using the site or wider study area. There are no species recorded within the site or the wider study area that are protected.

10.44 Natural England comments:

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

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

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

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

10.45 The Landscape and Visual Impact Assessment and the comments from the Peak Park have been addressed above. The Council have undertaken a Habitat Regulations Assessment (HRA). Natural England agree with the mitigation measures, however residential impacts remain and they require the in-combination impacts with other housing proposals in the vicinity to be considered, within a 7km radius of the SPA. The LPA has undertaken an in-combination effects assessment and Natural England have now confirmed that subject to mitigation measures being implemented, the scheme will not have an adverse effect on the integrity of the South Pennine Moors SAC / SPA.

10.46 The arboricultural officer raises no objections. There are no trees requiring removal that are protected or could be made the subject of a new order.

Flood Risk and Drainage issues:

10.36 The site is located in flood zone 1. Due to the size of the site however the application is supported by a Flood Risk Assessment. Policy PLP 28 of the KPDLP states the presumption is that Sustainable Drainage Systems (SuDS) will be used.

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

Planning obligations:

- 10.39 The development triggers the following contributions:

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

Public Open Space - Policy H18 requires 30sqm of Public Open Space per dwelling on development sites in excess of 0.4 hectares. There is no proposed public open space provided on the site and the requirement in line with H18 would be 1770sq.m. As the site falls within the area of the existing play facility at Hade Edge Recreation ground, it would not require its own on site equipped provision in line with the Fields in Trust Guidelines for England. This can be realised in the form of a lump sum off site contribution. A without prejudice off-site lump sum is £255,784.

Education Contribution - In line with the requirements of 'Providing for Education Needs Generated by New Housing' (KMC Policy Guidance), the proposed development attracts a contribution towards additional School Places it would generate. In order to satisfy a shortfall in additional school places generated by the development, an education contribution of £246,834 is required.

Sustainable Travel Fund - £31,762.50

- 10.40 In the previous committee meeting Members indicated that they would prefer to see the Sustainable Travel Fund monies and Public Open Space monies spent on associated highway improvement works, which they indicated would

be necessary to mitigate against the impacts of the proposed development. This discussion included a possible improvement to the Junction of Penistone Road with Dunford Road.

- 10.41 Such associated highway improvement works would be directed related to the development as the proposal will increase traffic using the junction of Penistone Road and Dunford Road. They would also be fairly and reasonably related in scale and kind. In respect of their necessity, Members have indicated that such works would be necessary to mitigate against the impacts of development in this rural location which has a limited public transport service.
- 10.42 In respect of a possible junction improvement the land required is unregistered and the process of undertaking such improvement works will be dependent on separate process and on whether any landowner comes forward to claim ownership.
- 10.43 The total amount of contributions remains the same, notwithstanding how Members consider this would be best apportioned. Jones Homes are in agreement to provide these contributions which will be secured by a Section 106 agreement. The delivery of an off-site highway improvement scheme would not be tied to the developer beyond the obligation to pay the contributions at set times in the build process. The off site highway works would then be designed and constructed by the Council in consultation with ward councillors in accordance with the relevant requirements of the Highways Act.

Other Matters:

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

Representations:

- 10.46 61 letters of objection have been received. In so far as the concerns raised have not been addressed above:
- 10.47 Kirklees has rejected a single dwelling in Hade Edge Ref 2009/91808 on sustainability grounds.

Response: This application pre-dates the introduction of the National Planning Policy Framework (NPPF). One of the aims of the NPPF is to boost significantly the supply of housing. The Council are unable to demonstrate a five year supply which weighs heavily in support of the proposal.

- 10.48 The development is contrary to the need to move towards a lower energy and carbon footprint future. Supporting calculations have been provided.
Response: The HEFF have submitted energy footprint calculations and weather station data which concludes it is more efficient to build houses away from locations like Hade Edge. This is a matter however which is only affordable limited weight in the assessment of the application.
- 10.49 HEFF have submitted a document entitled 'MAGIC software – HRA assessment – Quantech Systems'.
Response: The document has been prepared by a software company with no specialist knowledge of the subject of ecological assessment and relies entirely on data extracted from the MAGIC website. The MAGIC website is administered by Natural England and is a useful tool for ecologists. The report is undated, however, it appears to have been produced prior to publication of the Kirklees Local Plan Publication Draft Habitat Regulations Assessment. The purpose of the report appears to be to highlight information that demonstrates the potential for ecological impacts as a result of the proposed development at Hade Edge. Further information has been requested by KC to inform the project level HRA, which will be completed following the receipt of comments from Natural England. The ecologist is satisfied that, with the exception of the potential for impacts to European protected sites that is to be considered separately, the ecological information submitted by the applicant is sufficient to determine that the proposals will not result in a significant ecological impact. The document submitted by HEFF does not include information that would alter the conclusions of the other report.
- 10.50 The layout raises concern that the scheme could be extended onto land either side. This application could increase the size of the village by around 35%, by incorporating adjoining land, the village could double in size – this is completely disproportionate for a small village with its current level of services and infrastructure.
Response: The site is part of a wider allocation of Provisional Open Land on the Unitary Development Plan. With the exception of this site however the others areas of Provisional open Land are proposed to be allocated as safeguarded land in the Kirklees Publication Draft Local Plan. Notwithstanding this every application has to be considered on its own merits.
- 10.51 Concern the proposal will have a serious impact on the operation of the Turkey Farm.
Response: Environmental Services have considered this matter but due to the distance of the proposed development to the Turkey Farm do not consider the proposal would have any detrimental impact on future residents. The viability of the Turkey Farm would therefore be unaffected.
- 10.52 The local village school is at full capacity, there are no vacancies and it is operating at full numbers. The school infrastructure in Hade Edge and the surrounding schools will not cope.
Response: In line with the requirements of 'Providing for Education Needs Generated by New Housing' (KMC Policy Guidance), the proposed development attracts a contribution towards additional School Places it would generate. In order to satisfy a shortfall in additional school places generated by the development, an education contribution of £246,834 is required. The applicant has agreed to pay the full requirement.

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

- I have only summarised the objection and identify specific policies that may need further assessment.
- With regards to HRA, the letter seems to claim that the Local Plan HRA is not legally compliant, and that no project level HRA has been undertaken. The objection letter does not demonstrate a complete understanding of the purpose of or process requirements of Habitat Regulations Assessment. The letter is premature in claiming that no project level HRA has been undertaken, and the Local Plan HRA is considered by Kirklees Council to be legally compliant.

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

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

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

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

Response: Amended Plans have been received which show the use of natural stone for the walling materials.

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

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

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

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

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

Response: Officers have taken into account all representations submitted.

- “The proposals submitted within the Design & Access Statement illustrate development which is entirely at odds with both the local landscape and traditional vernacular of Hade Edge. It is possible that good design could begin to alleviate some of the issues of design congruency” (Stephenson Halliday). Why has good design and proposals which will enhance the landscape not been insisted on by Kirklees rather than accepting the low quality design from Jones Homes?

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

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

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

The applicant has made the following comments:

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

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

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

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

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

Layout/density: As set out in detail in the Planning Statement, the proposed development has been reduced in terms of number of dwellings (down to 58). The proposed density is 23.6 dwellings per hectare, which is below the 30 dwellings per hectare minimum which the draft Local Plan policy DLP6 requires. It also compares favourably (in terms of being low density) with existing development in the village of Hade Edge. Nevertheless, in response to Officers' comments, the spacing between plots 33-37 has been revisited. This has resulted in amended plans being submitted with alterations to house types which increases spacing between these properties. The proposed number of units also enables Jones Homes to offer full Section 106 contributions, including the delivery of 12 affordable homes - a reduced number of dwellings could impact on this position.

11.0 CONCLUSION

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

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

1. 3 year time limit
2. Development shall be implemented in accordance with the plans
3. Samples of all construction materials
4. Unexpected Land Contamination
5. Construction operations hours
6. Visibility Splays to be provided
7. Areas to be surfaced and drained
8. Internal adoptable roads
9. Footway to be provided
10. Soakaways
11. Overland Flood Routing
12. Temporary Drainage Provision
13. Vehicle Charging Points
14. Low emissions Travel Plan
15. Yorkshire Water- satisfactory outfall
16. A mitigation plan for the SPA/SAC including signage in the SPA/SAC, leafletting and a program of path maintenance

Background Papers:

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

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

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Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 05-Oct-2017

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

APPLICANT

Jones Homes (Yorkshire)
Limited

DATE VALID

04-Aug-2016

TARGET DATE

03-Nov-2016

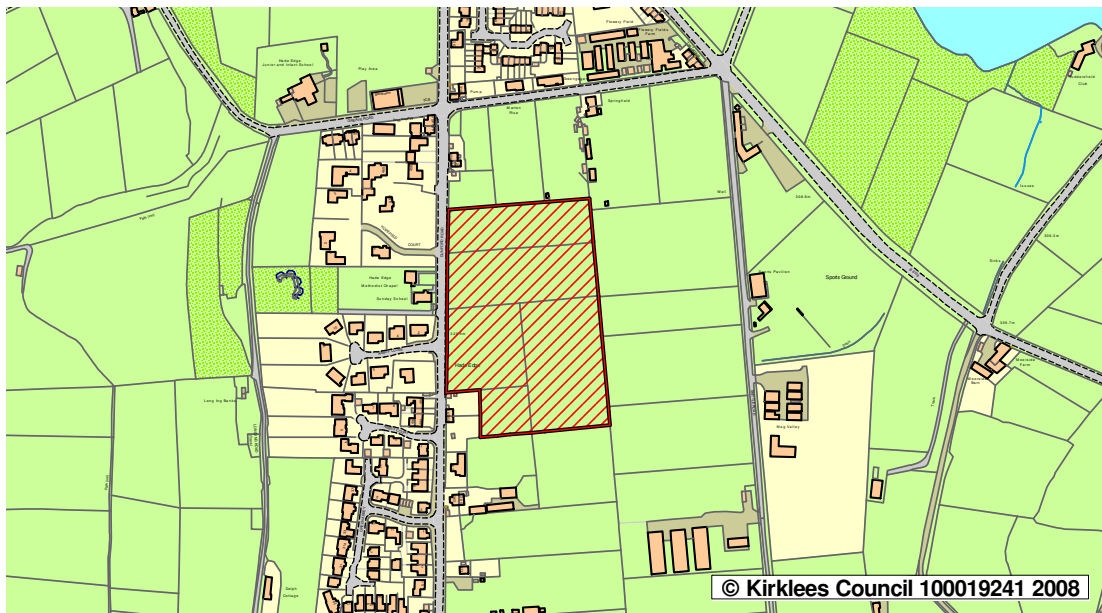
EXTENSION EXPIRY DATE

30-Jun-2017

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

Holme Valley South

Yes

Ward Members consulted

RECOMMENDATION:

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

1.0 INTRODUCTION:

- 1.1 The application seeks outline planning permission for residential development and associated means of access on land at Dunford Road, Hade Edge. The site is allocated as Provisional Open Land on the Kirklees Unitary Development Plan (UDP). The application represents a departure from the Development Plan and under the Councils delegation agreement the application is referred to the Strategic Planning Committee for a decision.
- 1.2 The application was deferred from the 10th August meeting to await the consultation responses from Natural England and the Peak Park, and to consider how the S106 contributions could be best spent in the local area. Natural England have now provided their comments and they have agreed with the councils Habitat Regulations Assessment conclusion that, subject to mitigation measures being implemented, the scheme will not have an adverse effect on the integrity of the South Pennine Moors SAC / SPA.
- 1.3 The Peak Park objected to the development. Specifically they made details comments on the corresponding full application for 58 dwellings (Ref 2017/91623). They commented that the proposed suburban house designs, layout and use of artificial building materials would fail to re-inforce local distinctiveness and would have an adverse impact on the setting of the National Park. An indicative block plan has been provided for this outline application but approval is not being sought for details of layout, scale, appearance and landscaping at this time.
- 1.4 Ward Members were invited to discuss how S106 contributions could be best spent with reference to reviewing reallocating the S106 package to secure highway improvements within Hade Edge village. These discussions are detailed in the report below.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site is approximately 2.5 hectares in size and comprises of open grassed fields located to the east of Dunford Road at Hade Edge. The site is

delineated by a stone boundary wall adjacent to Dunford Road and is relatively flat with levels falling gradually to the east.

- 2.2 The site is located within the village of Hade Edge. Dwellinghouses are located to the west of Dunford Road and to the north of Greave Road, and local facilities include a school, butchers and food hall, public house, band room, and a Methodist chapel and Sunday school. The land to the north, east and south of the site is largely undeveloped with some residential development, and a Turkey Farm.
- 2.3 The site is part of a wider allocation of Provisional Open Land on the Kirklees UDP proposals Map which extends to the north and south of the application site. The adjacent land to the east is within the green belt.

3.0 PROPOSAL:

- 3.1 The application seeks outline permission for a residential development and convenience store and the provision of open space. The application seeks to approve details of the point of access only. All other matters (layout, scale, appearance and landscaping) are reserved for subsequent approval.
- 3.2 The proposed access would be off Dunford Road via a priority junction.
- 3.3 An indicative layout has been provided which proposes 64 plots and a convenience store fronting onto Dunford Road.

4.0 RELEVANT PLANNING HISTORY:

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

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Officers have negotiated with the applicant to secure:
- The omission of the adjacent green belt land from the red line boundary
 - Bird Surveys
 - Updated Flood Risk Assessment
 - Amended Transport Statement, vehicle Swept Paths and Stage 1 Road Safety Audit
 - Details of drainage proposals

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 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 D5 – Provisional open land
BE1 – Design principles
BE2 – Quality of design
BE11 – Materials
BE12 – Space about buildings
T10 – Highway Safety
T16 – Pedestrians Safety
D2 – Unallocated Land
EP11 – Ecological landscaping
NE9 – Retention of mature trees
G6 – Contaminated Land
H1 – Meeting housing needs in the district
H10 – Affordable housing
H12 – Affordable housing
H18 – Public Open Space
EP4 – Noise sensitive development
EP10 – Energy efficiency
EP11 – Integral landscaping scheme to protect / enhance ecology

Kirklees Draft Local Plan

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

Supplementary Planning Guidance / Documents:

- 6.3 Kirklees Council Interim Affordable Housing Policy

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

National Planning Guidance:

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

7.0 PUBLIC/LOCAL RESPONSE:

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

7.2 Principle of Development

- Hade Edge is an agricultural upland rural village. Industrial brownfield sites should be considered for development before ruining local villages.
- Provisional Open Land is not a default allocation for development for the period beyond the UDP.
- The eastern field of the application site falls within the green belt. Housing development is inappropriate within the green belt.
- On the draft local plan the site is designated "Safeguarded land". Areas identified as such will be protected from development.
- The Kirklees settlement appraisal ranks Hade Edge 52 out of 53 settlements with regard to accessibility to employment, education, health care and town and local centre facilities.
- The location of the application site is not sustainable in transport terms.
- The Inspector at the UDP Inquiry noted expressly that the allocation of the land for housing would be contrary to the principles of sustainability in PPG13.
- The existing amenities are not considered to offer a comprehensive range of essential services and facilities. Walking will not be a viable alternative to the private car for everyday trips.
- The location of the site is not considered to offer a reasonable level of access to public transport. It would not provide a viable alternative mode of travel to the private car.
- Policy T1 of the UDP states that priority will be given to encouraging modal shift away from travel by private car. The proposal is contrary to this policy.
- The area will be tarnished and the increased traffic and fumes will impact on the countryside and wildlife.
- The development would be an unreasonable increase in the size of the village.
- It would lead to the whole of the safeguarded land being developed which would double the size of the village
- The Council should heed the directive to make use of brownfield sites as a priority for house building. Alternative brownfield sites include land off Woodhead Road at Bottoms Mill, Land adjacent to New Mill Road, and Land in Thongsbridge between Holmfirth Garages and Thongsbridge Tennis Club
- A further increase in development would be unsustainable. The site has never been allocated for residential development
- The site is in an unsustainable location in terms of lack of facilities and very poor public transport. The nearest shop is a butchers on Penistone Road, a 20 minute walk away. Other nearest facilities are in Scholes.
- Concern the development would have a high carbon footprint contrary to the principles of sustainable development.
- The proposal does not accord with the Kirklees Sustainability appraisal.
- Farming land and meadow land should be protected.
- The nearest doctor's surgery is in Holmfirth, the nearest hospitals in Barnsley and Huddersfield.
- The provision of Metro Cards does not guarantee the use of public transport.
- Kirklees rejected a single dwelling in Hade Edge on sustainability grounds Ref 2009/62/91808/W1.

7.3 Highway Safety

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

7.4 Impact on the Character of the area

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

7.5 **Ecological Matters**

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

7.6 **Drainage Matters**

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

7.7 **Residential Amenity**

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

7.8 **Other Matters**

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

- Concern about the ruination of three farms

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

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

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

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

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

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C Highways Development Management – No objections

Yorkshire Water – No objections

Natural England – Subject to mitigation measures being implemented, the scheme will not have an adverse effect on the integrity of the South Pennine Moors SAC / SPA.

Peak District National Park Authority- Object

8.2 Non-statutory:

K.C. Flood Management – No objections

K.C Environmental Services – No objection

K.C Arboricultural Officer - No objections

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

K.C Ecology – Awaiting comments upon HRA

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

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

K.C Parks & Recreation – No objections

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development:

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

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

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

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

10.4 Paragraph 14 states that there is a presumption in favour of sustainable development. For ‘decision taking’ this paragraph goes on to state that this

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

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

to the north and the south of the site which could be accessed off Dunford Road. Accordingly, the proposal would not prevent the remainder of the POL site being developed.

Kirklees Publication Draft Local Plan

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

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

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

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

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

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

10.12 Given the scale of the development when assessed against the wider context of the Local Plan the application could not be deemed to be premature as it is not considered to be central to the delivery of the Local Plan. Whilst Planning Officers do not consider that the application is premature in terms of the KPDL, it has been confirmed that given the advanced stage at which the Local Plan has progressed considerable weight should be afforded to the

policies within the KPDLP. An assessment of the relevant local plan policies is therefore undertaken throughout this report.

The Planning Balance

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

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

- 10.14 The landscape impact of the development and its impact on the character of the local area need to be considered, particularly given the scale of the development relative to the existing village of Hade Edge. The NPPF sets out that advice in relation to design in the core planning principle and paragraphs 56 and 58. These policies are considered appropriate when considering the impact the development would have on the character of the local area.
- 10.15 The core planning principles in the NPPF provide guidance on design and state that new development should *“always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.”* Paragraph 56 states, *“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”* Paragraph 58 states that decision should aim to ensure that development, establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. These policies are further supported by Policies BE1 and BE2 of the UDP which state that new development should create or retain a sense of local identity and is in keeping with surrounding development in respect of design and layout. Policy PLP24 of the KPDLP states good design should be at the core of all proposals such that the form, scale, layout and details of all development respects and enhances the character of the landscape.
- 10.16 Within the village existing dwelling houses are predominately two storeys in height and of natural stone construction, with stone boundary walls. There are prominent views of the site from Penistone Road looking west towards Dunford Road. The existing village and the application site are not within a conservation area; however to the west of the site (opposite the proposed access) are the Hade Edge Methodist Chapel and Sunday School which are grade II listed buildings.
- 10.17 A full assessment of the layout, scale, and appearance of the dwellings and the landscaping of the site would be assessed as reserved matters. Officers have concern that the indicative layout submitted for 64 dwellings is too dense and out of character with Hade Edge. Consideration needs to be given to protecting views in and out of the development, including the important

landscape views out of Dunford Road to the east. The development should make use of them and protect them. Further consideration will need to be given to the positioning and orientation of dwellings, and to house types and road hierarchy. Boundary treatments need to be carefully considered throughout the site and Landscaping needs to be included as mitigation and include greening of boundaries/edges to act as screening. Integral planting will help soften the landscape into the locality, and a comprehensive new tree planting will be required, to mitigate for the loss of the existing young scrub trees on site and enhance the tree scape of the wider area. The local character and vernacular of the area needs to be retained within the buildings and in the landscape and must be demonstrated as part of the design process. The proposal also needs to take the opportunity to provide biodiversity and green infrastructure. This would be assessed in any future reserved matters applications.

- 10.18 A landscape and Visual Impact Assessment accompanies the corresponding full application and is relevant to this outline application. A summary of the comments of the Council's Landscape architect are included below.

Assessment

- 10.19 The report identifies the site as lying within local landscape character type D 'Moorland Fringes/Upland pastures' and within landscape character D7 Low Common, Royd Moor and Whitley Common. This is incorrect and should be D7 Peak Fringe Upland Pastures.
- 10.20 The report's Landscape Baseline assesses the site as being in a moderate condition and having a moderate landscape value. The Council's Landscape Architect notes the site has character and value as a local working landscape and part of the village plan. It has features worthy of conservation; a defined sense of place and some detracting features. The assessment of moderate is considered to be fair.
- 10.21 The report addresses the magnitude of the landscape effects upon the receptors in particular the effect on the North Peak District fringe the border of which is 1 Km to the south. The sensitivity of the landscape character is considered to be Medium. There will be more impact at a local level but the site will be seen from some medium and long distance views that are not the peak district edge; the impact is subjective and will depend on the design mitigation used to blend the development into the landscape.
- 10.22 The report states the magnitude of effects on landscape character is small; and the extent of the landscape change would be localised and confined to the immediate setting due to the existing vegetation and varied natural topography. It goes on to say the effect on the landscape character will be slight, bringing some change to the landscape and would not constitute an adverse landscape effect or significant environmental effect' The Council's Landscape architect considers the development will have an impact greater, and will be a matter of how well the impact can be mitigated by design and planting. The proposal will have a medium landscape impact.
- 10.23 The susceptibility and sensitivity of neighbouring residential visual receptors is considered to be High. The value of the receptors in close proximity such as on Dunford Road and Greave Road are considered to be High and at further distances, for example individual properties at Flight Road, Medium.

value of the view is judged because of the relatively moderate scale of the proposed development and intervening vegetation on the varied topography.

Assessment of Visual Effects on the Peak District National Park

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

Overall Conclusions

- 10.25 The site should be seen as characteristic and valuable as part of the local landscape and although within it is seen as moderate or of medium importance and should accept capacity to change, it needs to change within the context of the locality; it still requires to be part of the local landscape and the landscape plan does not express this. There is no consistency with existing areas of vegetation; there is no clear screening; there is no evidence of improved biodiversity and it is hard to understand what reinforces the landscape character of the locality. A correct landscape plan that pays some respect to the locality; that screens and mitigates views; that seeks to integrate with the locality and provides opportunities for nature and biodiversity would affect the necessary positive change that is required and negate any concerns over moderate effects.
- 10.26 The Peak Park has provided their comments on the application, together with their comments on the corresponding full planning application (Ref 2017/91623). They are concerned that the scale and layout of the proposal would significantly fill this space and add a heavier urban quality that would be conspicuous in the scenery and landscape character flowing from the National Park. They note the location of the site, proposed suburban housing designs, layout and use artificial building materials would fail to re-inforce local distinctiveness by introducing a further development of a suburban character. As such it would be incongruous and have an adverse effect on the setting of the National Park and therefore the character and enjoyment of the National Park itself. It is noted these comments apply mostly to the layout of the corresponding full planning application as the layout is indicative at this stage. This matters would be addressed as part of any future reserved matters application.
- 10.27 Section 66 (1) of the Listed Buildings Act states “in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. It is proposed to form an access to serve the development directly opposite the grade II listed Methodist Chapel and Sunday School. The proposal would also introduce built development along the Dunford Road frontage opposite the listed buildings. It is considered however the proposal would not adversely impact upon the architectural significance of the adjacent Grade II listed buildings.

Residential Amenity:

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

Highway Safety issues:

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

Flood Risk & Drainage issues:

- 10.33 The application site is located with flood zone 1 but due to the size of the site is supported by a Flood Risk Assessment (FRA). The proposal is to drain surface water by soakaway, and to drain foul water to a Yorkshire Water combined sewer. There would be 1 domestic soakaway per unit and 2 for the retail unit. Surface water from the roads would also be drained by soakaway.
- 10.34 Yorkshire Water initially requested confirmation on the proposed surface water drainage route, because the local public sewer does not have capacity to accept any surface water. A revised FRA confirms surface water will be discharged to soakaways and ground testing has been undertaken to prove suitability. Yorkshire Water raise no objections to the proposal, subject to the inclusion of appropriate conditions.

10.35 Kirklees Flood Management supports the application subject to the indicative layout being labelled as such. They note changes may be required to accommodate highway soakaways in line with Kirklees requirements to adopt the road and early dialogue would be required. Flood routing must be accommodated for the highway drainage system with the general fall on the site being north-west. Indicative soakaways plans should be labelled as such given requirements for stand-off distances from property and road. Four season testing will be required prior to approving the use and design of soakaways. Permitted development rights will need to be removed to avoid encroachment on soakaways and other Suds features from building extensions. Alternative methods of drainage will only be considered with evidence that soakaways are impractical or provide risk. Discharge rates will be dependent on the size of the receiving infrastructure that could be less than a greenfield run off rate. Conditions are recommended and subject to this drainage issues are addressed.

Ecology Matters:

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

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

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

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

10.40 Natural England comments:

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

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

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

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

10.41 The Council have undertaken a Habitat Regulations Assessment (HRA). Natural England agree with the mitigation measures, however residential impacts remain and they require the in-combination impacts with other housing proposals in the vicinity to be considered, within a 7km radius of the SPA. The LPA has undertaken an in-combination effects assessment and Natural England have now confirmed that subject to mitigation measures being implemented, the scheme will not have an adverse effect on the integrity of the South Pennine Moors SAC / SPA.

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

Planning Obligations

10.43 The proposal triggers the following contributions:

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

10.45 Public Open Space – Policy H18 requires 30sqm of Public Open Space per dwelling on development sites in excess of 0.4 hectares. The initial proposal indemnified an adjoining area of green belt to provide an area of public open

space. This area of green belt has now been omitted from the scheme. There is no proposed public open space provided on the site layout and the requirement in line with H18 would be 1920sq.m. As the site falls within the area of the existing play facility at Hade Edge Recreation ground, it is considered this can be realised in the form of a lump sum off site contribution.

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

10.47 Sustainable Travel Fund £31,762.50

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

10.49 In the previous committee meeting Members indicated that they would prefer to see the Sustainable Travel Fund monies and Public Open Space monies spent on associated highway improvement works, which they indicated would be necessary to mitigate against the impacts of the proposed development. This discussion included a possible improvement to the Junction of Penistone Road with Dunford Road. Such associated highway improvement works would be directed related to the development as the proposal will increase traffic using the junction of Penistone Road and Dunford Road. They would also be fairly and reasonably related in scale and kind. In respect of their necessity, Members have indicated that such works would be necessary to mitigate against the impacts of development in this rural location which has a limited public transport service.

10.50 In respect of a possible junction improvement the land required is unregistered and the process of undertaking such improvement works will be dependent on separate process and on whether any landowner comes forward to claim ownership.

10.51 As this is an outline application and the numbers of dwellings are unknown, the above contributions will be addressed through condition.

Other Matters:

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

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

Representations

- 10.54 28 representations were received. In so far as they have not been addressed above:
- 10.55 The section of Dunford Road that passes through Hade Edge is only paved on one side; the extra traffic therefore poses a danger to pedestrians who will be walking on the only narrow path available to them. Given there will be a much increased volume of traffic turning right into Hade Edge at the top of Dunford Road, there is an increased chance of traffic accidents. The turning is at the top of a blind hill along country roads and forward visibility is poor.
Response- Highways DM have assessed the application and do not object to the proposal
- 10.56 Gas pressure in Hade Edge is poor. Residents living at the top of the village already find it hard to use heating and hot water at peak times in winter as the Gas supply cannot cope with the number of residents already in the village.
Response- Services such as gas, electric and water are the responsibility of the utility companies to ensure an adequate supply at all times.
- 10.57 It would be to the detriment of the infant and junior school that are already struggling for spaces for local children to add this many houses to a small village.
Response: The proposal will attract a contribution towards additional School Places it would generate. This will be addressed by condition.
- 10.58 There is no need for this kind of open market housing development in the village.
Response: The Council cannot demonstrate a five year housing supply. In these circumstances the proposal for housing is given significant weight.
- 10.59 Infilling this open land would result in the loss of this attractive landscaping setting and replace it with views of modern houses in a suburban housing estate.
Response: The proposed layout is indicative, however it is considered that the significant improvements could be made at reserved matter stage with respect to the number and layout of the dwellings.
- 10.60 The development would result in harm to open views from publically accessible points within the National Park and to views from Hade Edge to the National Park.
Response: The proposed layout is indicative and this is a matter which would be considered as reserved matters,
- 10.61 The site should be considered as a 'valued landscape' in terms of paragraph 109 of the NPPF and warrants protection.
Response: The site is not considered to be an elevated landscape within the meaning of paragraph 109 of the NPPF.
- 10.62 Concern the proposal will swamp the village. 66 houses are being shoehorned into an area that is occupied by 23 or 24 houses on the other side of Dunford Road.
Response: The proposed layout is indicative and this is a matter which would be considered as reserved matters,

- 10.63 Concern about the impact due to the proximity to a Turkey and Poultry Farm. This is a source of noise and gives rise to the potential for conflict and disturbance.
Response: Environmental Services have considered this matter but due to the distance of the proposed development to the Turkey Farm do not consider the proposal would have any detrimental impact on future residents. The viability of the Turkey Farm would therefore be unaffected.
- 10.64 The retail unit with the scheme is intended to provide some compensation for the poor sustainability credentials of the site. The store is too small to be viable. Little weight can be attached to the shop as a beneficial part of the proposal.
Response: The proposed shop is not considered to be fundamental to the overall sustainability of the proposed scheme.
- 10.65 It would be a detriment to the Junior and Infant school that are struggling for spaces for local children. Transport to Holmfirth High School would additionally add a costly overhead.
Response: In line with the requirements of 'Providing for Education Needs Generated by New Housing' (KMC Policy Guidance), the proposed development attracts a contribution towards additional School Places it would generate. In order to satisfy a shortfall in additional school places generated by the development, an education contribution of £250,400 is required. The applicant has agreed to pay the full requirement.
- 10.66 There is no need for this kind of open market housing development in the village. The highest priority in the Kirklees area is for 1 and 2 bedroom affordable starter homes.
Response: The Council cannot demonstrate a five year housing supply. In these circumstances the proposal for housing is given significant weight.
- 10.67 Frequent interruptions to electric and water supply.
Response: This matter is noted but it is not a reason to refuse the application.
- 10.68 Holme Valley Parish Council object to the application due to concerns raised about the impact on rural community, the lack of infrastructure, sewerage and public transport. They consider development is not sustainable in this location and this site should be retained as safeguarded land. There are also concerned about the over-intensification within a rural Greenfield site and that Hade Edge is more suitable for organic growth and would support a smaller, better mix of housing (including more one or two bedroom properties, affordable housing, and properties for first time buyers and the elderly).
Response: The Council's stance on the principle of development is set out in the committee report. The application is an outline application however is it is considered a scheme could be brought forward at reserved matter stage which would preserve the landscape character of the area.
- 10.69 Holme Valley Parish Council have also raised concerns about access and insufficient onsite parking, that there is no alternative parking on Dunford Road or Sheffield Road which are already congested and could not cope with the additional vehicles generated from this proposed development.
Response: Highways DM have assessed the proposal and do not object to the scheme subject to conditions and a financial contribution towards a Travel Plan measures to assist in providing incentives to encourage the use of public transport and other sustainable travel modes.

11.0 CONCLUSION

- 11.1 The principle of development is accepted by officers, on this site that is allocated as a POL site within the UDP providing that the proposals are not found to have an adverse effect on the integrity of the nearby European protected sites. The proposal inclusive of the vehicular access is considered to be acceptable, the benefits of housing provision weigh heavily in favour of the proposal given the councils lack of a 5 year housing supply and the adverse impacts of the loss of this green field POL site do not demonstrably outweigh the benefits of developing the site, when considered as a whole along with all other relevant material considerations. The proposal is considered to accord with the Core Planning Principles of the NPPF and would not adversely impact upon highway safety, furthermore officers are satisfied that the site can be adequately drained.
- 11.2 The proposal will secure community benefits in terms of affordable housing, education, public open space, and a sustainable travel fund will assist in enhancing the use of public transport in the vicinity.
- 11.3 The development complies with relevant local and national planning policies

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

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

1. Approval of details of the appearance, landscaping, and scale (standard O/L condition)
2. Plans and particulars of the reserved matters (standard O/L condition)
3. Application for approval of the reserved matters (standard O/L condition)
4. The timeframe for implementation of the development (Standard O/L condition)
- 5 Highways conditions
- 6-10 Contaminated Land
- 11-Noise
- 12 Soakaways
- 13 Overland Flood Routing
- 14 Education
- 15 Public Open Space
- 16 Affordable Housing
17. Sustainable Travel Fund
18. A mitigation plan for the SPA/SAC including signage in the SPA/SAC, leafleting and a program of path maintenance

Background Papers:

Planning application:

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Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 05-Oct-2017

Subject: Planning Application 2017/91796 Demolition of existing building and erection of Class A1 foodstore, formation of car parking, landscaping and associated works Land off, Huddersfield Road, Thongsbridge, Holmfirth

APPLICANT

., Aldi Stores Ltd, C/O
Agent

DATE VALID

25-May-2017

TARGET DATE

24-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: Holme Valley South

Y

Ward Members consulted
(referred to in report)

RECOMMENDATION:

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

1.0 INTRODUCTION:

1.1 This application is brought to Committee in view of the scale of the retail floor area, and in accordance with the Delegation Agreement.

2.0 SITE AND SURROUNDINGS:

2.1 The application site comprises an area of approx. 0.94 ha, and is located on the eastern side of Huddersfield Road, Thongsbridge. The site drops down considerably from Huddersfield Road to a level area which contains a former factory building known as the Drill Hall, and its curtilage. The Drill Hall is in a state of disrepair, and has been vacant for several years. To the rear of the Drill Hall is a wooded area, which is adjacent to the banks of the River Holme.

2.2 To the south is a mill, and to the north an area which has the benefit of a business permission, and also a residential permission. Development of this site has commenced with the creation of the access off Huddersfield Road. This access is adjacent to the application site, and is the proposed point of access.

2.3 The site is unallocated on the Unitary Development Plan, and part of an Employment Area on the Emerging Plan. The trees and the woodland to the east of the site adjacent the River Holme are identified as part of a Green Corridor, on the UDP. The majority of the site is within Flood Zone 1, however there is a small portion of the site, to the east that is within Flood Zones 2 and 3.

3.0 PROPOSAL:

3.1 Full permission is sought for the erection of a class A1 retail outlet of 1911 sq.m gross external area; 1,839sqm gross internal area, and a net sales area of 1254 sq m. Access is taken off the already created access to the neighbouring site, which in turn links onto Huddersfield Road.

- 3.2. The access slopes down into the application site, serving a car park area of 103 spaces, located in between Huddersfield Road, and the retail unit, and to the north. The existing banking down from Huddersfield Road is retained and a number of trees will be retained, and there will be supplementary planting on the embankment. As such people will essentially look down into the site from Huddersfield Road.
- 3.3 The building is single storey, with the main entrances facing onto Huddersfield Road. Substantial areas of natural stone are incorporated into the elevation, together with glasswork, and cladding areas on the side and rear elevations.
- 3.4 The proposed end user is Aldi Stores Ltd.

4.0 RELEVANT PLANNING HISTORY

- 4.1 2014/93883 Outline application for residential -Withdrawn
- 4.2 2013/92827 Change of use to warehousing and creative studios- Deemed Withdrawn.
- 4.3. 2004/91777 Change of use of premises to hotel –Refused.

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

- 5.1. Updated information and analysis has been provided regarding the Retail Impact Assessment, and a greater number of sites examined as part of the sequential test.
- 5.2. Additional traffic information has been provided, and amended plans relating to the access to this site, and the neighbouring development are expected prior to the Committee.
- 5.2. A Noise assessment has been undertaken relating to potential noise nuisance for sensitive neighbours (ie dwellings) from the car park use and plant noise; also an Air Quality Assessment has been undertaken and appropriate mitigation offered.
- 5.3 A Bat Emergence Survey has been submitted.
- 5.4 The Sequential test relating to Flood Risk has been undertaken and satisfied.

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.

6.1. Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- G1 Regeneration through development
- G4 New development shall achieve high standard of design
- G5 equality of opportunity for access
- D2 Unallocated land
- D6 Green Corridor
- B4 Existing employment uses
- BE1 – Design principles
- BE2 – Quality of design
- BE22 Disabled parking
- BE23 – Crime prevention.
- T10 – Highway safety
- T19 – Parking standards
- G6 – Land contamination
- EP4 – Noise sensitive development
- NE9 – Retention of mature trees
- S4 – Large stores
- EP11 Ecological Landscaping

The Emerging Local Plan

6.4

- KR10 Priority Employment Area
- PLP7- Efficient use of land and buildings
- PLP8- Safeguarding employment land and premises
- PLP13- Town centre uses
- PLP20- Sustainable travel
- PLP21- Highway safety and access
- PLP22- Parking
- PLP24- Design
- PLP26 -Renewable and low carbon energy
- PLP27- Flood Risk
- PLP28 –Drainage
- PLP30- Biodiversity and geodiversity
- PLP33- Trees
- PLP 51- Protection and improvement of local air quality
- PLP59- Infilling and redeveloping of brownfield sites

National Planning Guidance

6.5

- Part 1 Building a strong and competitive economy
- Part 2 Ensuring the vitality of town centres
- Part 4 Promoting sustainable transport
- Part 7 Requiring good design
- Part 8 Promoting healthy communities
- Part 10 Meeting the challenge of climate change, flooding and coastal change
- Part 11 conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 This scheme has been publicised by site notice and neighbour letter. To date 146 letters of support have been received, the main reasons being:

- The scheme will be a benefit to the people of Holmfirth and neighbouring residents, and will save car journeys that currently go to Meltham or Waterloo;
- The proposal will improve the range of choice within Holmfirth, which is a benefit to the residents;
- The scheme will tidy up an unkempt, brownfield site;
- Additional jobs will be provided.

4 letters of objection have been received, the main reasons for objecting being;

- The site is an out of centre location, which is contrary to both National Policy guidance and the Unitary Development Plan; this site is further away from the centre than the Midlothian garage site which was the subject of the Tesco appeal.
- The scheme will be harmful to the Holmfirth town centre and its vitality;
- There is no requirement for additional capacity in the Councils Retail Capacity report;
- The scheme will result in traffic congestion and dangerous highway manoeuvres, also there is a route to school very close to this site which will be adversely affected by the additional traffic.

Objections on behalf of the Cooperative Group; LIDL and Keep Holmfirth Special, were received which:

- Question the conclusions and methodology of the Retail Impact Assessment; Indicate sites that have not been included within the search area that are sequentially preferable;
- A sequential test for flood risk purposes has not been satisfactorily undertaken;
- The proposal would result in the loss of valuable employment land without any robust justification.

Holme Valley Parish Council: Support the application in principle although concerns regarding highway issues on Miry Lane(already difficult for parking and horrible junctions), so impact on traffic. Members recommend that a zebra crossing be installed close to bus stop nearer petrol station/ post office

end. This needs to be slightly away from the main entrance to the store, with a separate pedestrian/cycle access where the current access is.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Environment Agency- No objections recommend condition. The Sequential Test needs to have been properly carried out.

Forestry Commission. No adverse comments

Yorkshire Water Authority- No objections recommend conditions

8.2 Non-statutory:

KC Highways DM Views awaited.

KC Environmental Health- Recommend conditions regarding remediation, and noise from any on site plant

KC Strategic Drainage- Support the scheme subject to additional information, and appropriate conditions.

KC Trees- No objections in principle. Some trees may be affected as a result of the access arrangements. If this is the case appropriate replacements should be provided as part of an agreed landscape scheme

KC Conservation and Design- No objections in principle. It is important that the principle elevations of this scheme incorporate natural stone given the character of the area, and the main road location.

KC Environment Unit the bat survey undertaken is acceptable, and additional conditions (particularly relating to lighting in relation to the woodland area to the rear of the proposed store are recommended)

Police Architectural Liaison Officer- No objections in principle recommend conditions to submit crime prevention measures , and CCTV for the car park

9.0 MAIN ISSUES

- Principle of development
- Highways Issues
- Impact on amenity
- Flood Risk/Drainage
- Environmental Issues(noise, contamination/ remediation, air quality)
- Bio diversity/ Landscape
- Crime Prevention.

10.0 APPRAISAL

Principle of development

- 10.1. The site is currently occupied by a vacant factory building (known as the Drill Hall).ie the site was last used for employment purposes. The site has been vacant for some time, and the site is in a neglected condition. As a site last in employment use Policy B4 of the UDP is relevant, and also it should be noted be that the site is part of an employment priority area on the emerging local plan.
- 10.2 The NPPF indicates that Local Planning Authority's should avoid protecting employment sites that are unlikely to come forward for that purpose, and that in such circumstances an appropriate alternative use can be considered. This site has been vacant for some time, and as can be seen from the history section, there have been a number of applications of different types on this site over the last 12/13 years, including for housing. The location, and nature of neighbouring users indicates that an appropriate alternative use to that B1,B2/B8 use, would be an alternative commercial use, rather than a residential use.
- 10.3 The site is part of a larger allocation on the Emerging Local Plan, as a Priority Employment Area. The use of the site as retail would not prejudice the delivery of the balance of the allocation for employment type uses, and the retail unit is in itself an economic driver in the area, providing inward investment and a significant amount of employment (applicants state up to 40 full and part time jobs when operational).
- 10.4. The Emerging Local Plan policies, carry considerable weight, but are still to be the subject of public scrutiny through Inquiry. It is not considered that the non B1. B2, B8 of this part of the site (less than 1 ha in size) will significantly prejudice the Local Plans aims in terms of employment delivery, and as such no objection is raised to the principle of non B1, B2 B8 use.
- 10.5. The alternative proposed use in this case is a class A1 retail outlet. The principle of retail development on this site requires consideration of the proposal against retail policy contained within the NPPF. Paragraph 24 indicates that a sequential test should be undertaken for town centre uses, that are not within a town centre. This site is categorised as an edge of centre location and therefore a sequential test is required to be undertaken. Additionally paragraph 26 of the NPPF requires Retail Impact Assessments to be submitted for developments over 2,500 sq m if there is no proportionate, locally set floorspace threshold. Kirklees do not have such a threshold so in this case a retail impact assessment is required by policy.
- 10.6 A Retail Impact Assessment and sequential test has been submitted by the applicants by consultants- Planning Potential.
- 10.6. **The Sequential Test**- this search initially identified edge of centre and out of centre sites and at the request of the Council 4 additional sites were examined, some of which were in centre locations in Holmfirth and an additional site in Honley, put forward as sequentially preferable by an objector.

10.7 The sites searched included;- Ribbleden Mills, Dunford Road; Bamforth Warehouse; Council Car park, Bridge Road; Bridge Mills, Huddersfield Road; Crossley Mills; Moorhouses Haulage;Market Hall, Holmfirth; Holmfirth Cricket Club; Holmfirth Post Office and Keith Drakes site, Honley.

10.8. It is considered that the Sequential test has been carried out in a robust manner, and that appropriate sites have been examined as is required in paragraph 22 of the NPPF.

10.9.. **Retail Impact Assessment** In accordance with the guidance contained in paras 24 -26 of The NPPF a Retail Impact Assessment has been submitted by the applicants consultants -Planning Potential. A number of the initial assumptions were questioned, additional work was requested, and the third party comments and objections received on behalf of the Co-op; Lidl and *Keep Holmfirth Special* have all been considered as part of the analysis, before arriving at the conclusion. A assessment of the application carried out on behalf of the council was undertaken by White Young Green (WYG) who have advised the council independently and impartially on the relevant retail issues.

Impact on Vitality and Viability

10.10. WYG assessed the retail impact assessment originally submitted with the application and confirmed that they were satisfied with the following elements of Planning Potential's impact assessment commenting as follows (italics for clarity of WYG comments)

- *The assumed catchment area;*
- *The assumed turnover of the proposed development; and*
- *The assessment year for the purposes of the impact assessment*

10.11. *As such, WYG's principal concerns with regard to Planning Potential's assessment related to the assumed trade diversion levels from existing stores, and the resultant impact on these existing destinations and particularly on defined centres. In terms of trade diversion assumptions, WYG's main concerns relate to:*

- *The level of assumed diversion from the Morrisons in Meltham;*
- *The level of assumed diversion from the Lidl in Holmfirth; and*
- *The level of assumed diversion from the Co-op in Holmfirth.*
- *Of those new shoppers who chose to shop at the Aldi in Harworth (as surveyed in August 2015),*

10.12. *Planning Potential provides additional analysis with regard to the trade diversion assumptions at pages 3 and 4 of their August response. They state that the assumed diversion levels are based on other examples of stores, at which customers were surveyed to find out where they previously shopped, before altering their habits to shop at the new Aldi stores. Details of these stores are then provided at Appendix 1.*

10.13. *No further detail is provided regarding the number of surveys undertaken, where the surveys were undertaken, what the questions were and particularly how the questions were phrased (i.e. did they relate just to 'main food' shopping or both 'main' and 'top-up' food shopping and were they asked whether they had altered their habits permanently). WYG commented that without the detail behind the methodology, we are treating the results cautiously in this instance and overall, the details provided by Planning Potential are ambiguous and lack any real detail. This is also the case in light of the results and the summary now being over three years old in some cases and the potential for shopping habits to have altered since those dates. Furthermore, it is important to note that the Co-op store in Holmfirth is substantially larger than those stores identified by Planning Potential in their analysis at Appendix 1, and therefore shopping patterns will be materially different.*

10.14 However, we do consider that it is useful to summarise the key findings of these survey results as part of this appraisal, particularly as the applicant is relying on the results to justify the trade diversion assumptions:

- Of those new shoppers who chose to shop at the Aldi in Harworth (as surveyed in August 2015), 36% used to shop at Asda, 34% at an alternative Aldi, 21% at the Tesco, 7% at Morrisons and just 2% at the Co-op.
- Of those new shoppers who chose to shop at the Aldi in Ecclesfield (as surveyed in October 2014), 38% previously shopped at Morrisons, 30% at Asda and 13% at Tesco, with no respondent stating they previously shopped at the Co-op. 2.6 Regardless of the overall inability to rely on the results due to the lack of information provided by Planning Potential, the results would appear to demonstrate that high proportions of shoppers who visited the Aldi stores on the day of the survey, previously shopped at the 'big four' or an alternative Aldi, rather than Co-op foodstores. We agree that this is likely to be the case as the two operators offer a qualitatively different range of goods, at different margins.

10.15. Planning Potential has revised their trade diversion assumptions for the stores queried by WYG, plus a number of other store, and we provide a comparison of the two sets of figures below for ease of reference. We consider that the 'sensitivity test' is more accurate and are therefore the figures of relevance in assessing the acceptability of the proposal in impact

Table 2.1: Planning Potential's Sensitivity Assessment Assumed Levels of Trade Diversion (Convenience) – Original and Sensitivity Assessments

Store	Trade Diversion (%)	Trade Diversion (£m)	Trade Diversion (%)	Trade Diversion (£m)
Holmfirth Centre				
Co-op, Holmfirth	0.5%	£0.05m	6.0%	£0.65m
Local Shops, Holmfirth	0.1%	£0.01m	1.0%	£0.11m
Other				
Morrisons, Meltham	35%	£3.82m	27.5%	£3.00m
Aldi, Milnsbridge	20%	£2.18m	12.5%	£1.36m
Sainsbury's, Shorehead	16%	£1.74m	18.0%	£1.96m
Aldi, Ghallagher Retail Park	15%	£1.64m	12.5%	£1.36m
Lidl, Holmfirth	10%	£1.09m	17.5%	£1.91m

10.16. As we previously identified, it is clear that the highest proportion of shopper from Zone 7 shop at the Morrisons in Meltham for main food shopping, and the highest proportion of shopping trips for top-up shopping purposes are attracted by the Co-op in Holmfirth. Whilst these market shares will have likely reduced as a direct result of the presence of the Lidl, they are likely to still attract the highest proportions of main and top-up food shopping trips respectively.

10.17. We welcome the amendments to the trade diversion assumptions applied by Planning Potential as set out in Table 2.1 above, and consider that these more accurately reflect what is likely to happen in practice in terms of trade diversion and impact.

10.18. We previously raised a concern with regard to the level of transparency relating to the trade diversion assumptions for the commitment (Lidl in Holmfirth), and therefore how Planning Potential had arrived at the 2022 estimated turnovers for the existing stores.

10.19. In any event, we have reviewed the figures provided by Planning Potential and consider that they broadly reflect how we estimate the existing destinations to be trading, having regard to the commitments but also the growth in population and expenditure in the area. Furthermore, as the policy test is whether the impact on defined centres would be significant, the principle stores of relevance in this case are those located within Holmfirth town centre, which we consider to be broadly accurate.

10.20. The implications of trade diversion and impact on a town centre depends on how well the centre is performing. In some cases, even low levels of trade diversion and impact can have significant impacts on centres where the overall health is poor, and the centre is struggling (vacancy rates, lack of footfall, poor environmental quality etc). Planning Potential provides an up-to-date healthcheck at Appendix 5 of their original Planning and Retail Statement. A summary of their findings are set out below:

-The overall vacancy rate in terms of the proportion of units is 1.5%, or 2 units. This is substantially below the national average of 11.5%.

-There are ten convenience operators in the centre, including the Co-op (edge of centre) and Sainsbury's Local, along with a bakery newsagent and independent operators. This is slightly below the national average at 7.3% compared to 8.3%

-The proportion of Class A3, A4 and A5 Uses is above the national average at 26.1% of the total units, compared to 18.3%. This demonstrates the attraction of the centre from a tourism point of view.

-The centre is accessible by public transport and the overall environmental quality of the centre is good, with the landscaping well maintained

10.21 The overall conclusion from the healthcheck is that Holmfirth town centre is performing well and is a vital and viable centre. These latest findings from Planning Potential compare to WYG's findings as part of the Retail Study in 2013, at which time the centre had a vacancy rate of 3.3%, or four units, and there was an acknowledgement that there was a good mix of retail and leisure uses and that the centre was an attractive historic town, providing a popular tourist destination. We therefore agree with the applicant's analysis of the overall vitality and viability of the centre and consider that the centre is performing well, and particularly provides an important tourist destination with a range of leisure facilities alongside the convenience and comparison operators.

10.22. As such, it is on the above basis that the potential implications of the assumed trade diversion must be assessed. Planning Potential's revised sensitivity test provided in their latest submission estimates that the impact on the Co-op foodstore would be -13.2% and on other local shops would be -4.9% (which includes the Sainsbury's Local). Overall, the impact on

convenience operators in the town centre would be -10.6%. Whilst this is at the upper limit of what would typically be deemed acceptable in impact terms, we do also consider that the diversion levels applied by Planning Potential represent a 'worst case scenario'. The impact is also only being experienced on the existing convenience goods sector which represents just 7.3% of the town centre composition.

10.23 We also note that Planning Potential has assumed that no trade will be diverted from existing operators in Honley local centre and a limited diversion (0.1%) will be taken from Thongsbridge local centre. Whilst we consider that in both cases this level of diversion may have been slightly underestimated, we do not consider that in either case, the level of diversion would be at a level which could have a significant adverse impact on the centres due to the qualitatively different offer of the proposal in comparison to the existing centres.

10.24. Whilst the -10.6% impact at 2022 on the Holmfirth convenience stores is considered high, it is also important to consider what the overall impact on the town centre would be, also having regard to the location of the Co-op on the edge of Holmfirth town centre in planning policy terms.

10.25. The relevant planning policy test is the impact of the proposal on the overall vitality and viability of the centre. In the case of Holmfirth, this includes the comparison operators but also the other leisure and service uses within the centre, which all comprise a high proportion (60.3% of the total provision of units) of the centre's overall offer. The proposed Aldi foodstore is unlikely to materially alter the current performance of these other uses.

10.26. In this regard, the 2016 Retail Study Update identified that the comparison turnover of Holmfirth town centre is £10.5m, which would be approximately £11.5m at 2022, more than doubling the overall turnover of the town centre. As such, taken as a whole, the percentage impact on the centre is likely to be less than the -10.6% figure set out by Planning Potential and more likely to be between -5% to -6% (i.e. a diversion of approximately £1m when taking account of potential comparison diversion, from a total town centre retail turnover of approximately £18.7m).

10.27. Furthermore, it is important to consider the qualitatively different nature and offer of both the Co-op and Sainsbury's stores within Holmfirth town centre, along with the offer of the independent operators when compared to the offer of the proposed Aldi. This conclusion was confirmed by Pegasus Group in providing their representation on the application on behalf of the Co-op Group in July 2017, which states at paragraph 6.21 in referring to the difference between an Aldi and Lidl to a Co-op: **'As neither store carries a comparable range of goods to the Co-operative store, it is difficult to see why an additional, limited-range, discount food store on the Huddersfield Road would have the effects claimed by Planning Potential in terms of clawing back expenditure from Zone 7 that currently flows to Morrisons at Meltham, Sainsbury's in Huddersfield, or elsewhere.'** (our emphasis)

10.28. *In this case, whilst we consider there to be the potential for the store to divert some trade away from the Co-op, we do agree with Planning Potential that the highest proportions of trade diversion would be from the comparable foodstores primarily situated in out of centre destinations (the Morrisons, existing Aldi stores and the Lidl in Holmfirth). This is also the case in considering the Co-op's location on an edge of centre location.*

10.29. *We therefore do not consider that the level of diversion from the Co-op would be at a level which would have a significant adverse impact on the store or the wider town centre as a whole. This conclusion is supported by the Inspector in relation to a dismissed appeal (on sequential grounds) for a substantially larger Tesco foodstore on the former Midlothian Garage Site (appeal reference APP/Z4718/A/13/2191213), who stated in that case at paragraph 53 that: 'harsh as it may seem to some, however, what planning policy seeks is to protect the vitality and viability of town centres, not to protect one commercial interest against another', and then concluded at paragraph 54 that: 'Overall, the conclusion on retail impact has to be that the proposed supermarket would have no significantly adverse impact on Holmfirth town centre, or indeed on the edge-of-centre Co-op supermarket which acts as the town centre's anchor store.'*

Summary

10.30. Planning Potential's updated submission and the additional information provided to respond to WYG's queries has been reviewed. The particular concerns raised previously by WYG related to the levels of trade diversion and the resultant impact of the scheme, particularly on existing convenience facilities in Holmfirth town centre. Similar concerns were also raised by other 3rd party objectors.

10.31. Following Planning Potential's submission of a sensitivity test in respect of the quantitative impact tables, Officers are satisfied with the figures provided and consider that the trade diversion assumptions provided in the latest submission better reflect what could happen in practice.

10.32 It is concluded that the proposed development is unlikely to have a significant adverse impact on the vitality and viability of the defined centres, and particularly on Holmfirth town centre. As such, Officers are satisfied that the proposed development complies with the relevant impact policy tests as set out under Policy S4 of the UDP and paragraphs 26 and 27 of the NPPF.

Highways Issues

10.33 The application is a full planning application for the demolition of existing buildings and construction of an Aldi Foodstore together with car parking, landscaping and associated works on land at Thongsbridge, Holmfirth. Highways related documents submitted with this application are as follows:

- Transport Assessment dated May 2017;
- Transport Assessment Addendum dated May 2017;
- Exigo Project Solutions letter dated 4th July 2017;
- Framework Travel Plan dated May 2017.

The foodstore is proposed to have a gross internal area of approximately 1,839m² and a sales area of approximately 1,254m². A car park providing 103 spaces is served from an existing junction on A6024 Huddersfield Road.

Existing Conditions:

10.32. The site is currently occupied by a vacant building which has a planning use for B2 general industrial use. No allowances have been made in the transport assessment for the potential traffic and transport characteristics associated with this use.

Data collection has been undertaken by the applicant at the following junction on Friday 31st March between 14:00 and 19:00 and Saturday 1st April between 11:00 and 15:00 to establish a sound baseline for assessment:

- Huddersfield Road / Miry Lane / Thong Lane / Woodhead Road;
- Huddersfield Road / New Road;
- Huddersfield Road / Victoria Street.

Proposed Vehicular Access Arrangements:

10.33. Access is taken from the A6024 Huddersfield Road via an existing junction layout previously provided as part of planning consent 2007/91216. A modification of this junction is required to accommodate the proposed development. A second priority junction within the site is also required. These works which are acceptable in principle incorporates a pedestrian island, a relaxation of the southern kerbline and the new junction within the site. A condition is required for a scheme for the detailed design and implementation of these junctions.

Proposed Traffic Flows:

10.34. The recent development of a similar discount food retail unit nearer to Holmfirth along Huddersfield Road provides a suitable model upon which to base generation estimates for the proposed development. The applicant has surveyed the existing foodstore and determined the Friday PM Peak and Saturday Peak vehicle generations as follows:

	In	Out	Two-Way
Weekday 17:00 – 18:00	112	121	233
Saturday 11:00 – 12:00	104	124	228

10.35. As is usual with the assessment of food retail applications, it is accepted that almost all the development trips are already on the wider network accessing other food retail outlets. For the purposes of assessment it has been assumed that 50% of generated trips will be new to the study area, 20% will be diverted from other stores in the immediate vicinity and that 30% will be pass-by trips and therefore already on the network passing the site. It is estimated by the applicant that 62% of current residents in the catchment area leave the area to carry out their food shopping. On this basis, this development proposal will have a benefit in reducing overall vehicle miles.

Assignment of trips to the network is based on passing flow proportions.

Proposed Parking Arrangements:

- 10.36. The proposed layout indicates the provision of 103 parking spaces. This incorporates 7 disabled spaces and 7 parent and child spaces. In addition there are 5 cycle loops accommodating 10 cycles and it is proposed to provide 2 motorbike spaces with anchor points.
- 10.37. Current parking standards as contained in the UDP – Appendix 2 set out the maximum standards for supermarket parking as 1 space per 12m². When this standard is applied to the proposed development GFA of 1,911m², a maximum requirement for 159 spaces results. Given the characteristics of this discount food retailer including the limited range and quick throughput of customers, the level of parking is considered acceptable.
- 10.38. Disabled parking is required in the range 5-10% of the total stock. Seven spaces are proposed at the store entrance which equates to a provision of 7.2% and is therefore acceptable.
- 10.39. The applicant is providing 1 electric vehicle charging point (2 charging spaces) with the scope to increase the provision should demand warrant it in the future.

Pedestrian Access:

- 10.40. The applicant has undertaken an assessment of pedestrian facilities in the vicinity of the site. Formal crossing points on the A6024 comprise a zebra crossing facility at the Miry Lane junction approximately 240m north of the proposed development and a signal controlled crossing near New Road approximately 800m south of the proposed development. Both Kirklees Council Highways Development Management (HDM) and Holme Valley Parish Council have identified the need for a crossing of the A6024 close to the store entrance. Two pedestrian islands are proposed with associated dropped kerbs, one on the A6024 and one on the site access and will be provided as part of the site access works.

Servicing Proposals:

- 10.41. Servicing activity associated with the proposed development is expected to be minimal comprising 4 deliveries per day. Delivery vehicles will originate from the foodstore operators distribution base in Barnsley and will be incorporated into routes to existing Aldi stores in the local area. The service point is within the site and requires the service vehicle to manoeuvre within the customer car park. Deliveries are timed to avoid peak periods in the car park and the aim is to arrange deliveries outside store opening hours. Where this is not achieved a marshal is used to manage the interaction between pedestrians, cars and HGV's.

Impact on Junctions:

- 10.42. Junction modelling has been undertaken at the following junctions:

- Huddersfield Road / Miry Lane / Thong Lane / Woodhead Road;
- Huddersfield Road / New Road;
- Huddersfield Road / Victoria Street;
- Huddersfield Road / Site Access.

Base counts collected in March and April 2017 forms a sound baseline. To this, growth has been added to year 2022 and modelling for with and without development scenarios has been undertaken. Queuing and delay at the Miry Lane / Thong Lane

junction, the New Road junction and the site access junction is minimal in the 2022 base scenario with the development adding less than 1 to any queue length. At the Victoria Street junction in the weekday PM Peak the development adds 3 vehicles to the Huddersfield Road (North) approach, 1 to the Victoria Street approach, 1 to the Huddersfield Road (South) ahead movement and 2 to the Huddersfield Road (South) right turn lane. A similar impact is recorded in the Saturday Peak. This level of impact is not as severe and is therefore considered to be acceptable by Kirklees Council HDM.

- 10.43. Consideration of the Huddersfield Road / Site Access junction and the internal priority junction has been assessed using the consented and proposed developments that would utilise these junctions. These are the eastern parcel where B1/B2 development with 94 parking spaces is consented by 2007/91216 and the B1/B2 proposal with 48 parking spaces on the northern parcel which is the subject of the current 2017/90207 application. This junction testing has demonstrated that the junctions operate with minimal queuing and delay.

Travel Planning:

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

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

- Appointment of a site wise Travel Plan Coordinator;
- Baseline surveys of staff and customers;
- Set mode shift targets;
- Annual monitoring to measure success.

The likely transport impacts of this proposed food retail store development have been investigated. The characteristics of the development include the assumption that the vast majority of trips are already on the network. Also, the development would result in an overall drop in route mileage as residents are currently travelling out of the local area to undertake their food shopping. Junction analysis has shown a minimal impact on local junctions resulting from the development. On this basis, Kirklees Highways consider the proposals acceptable, subject to suitable conditions.

Impact on Amenity

- 10.45 The site currently comprises a brownfield former factory building, and associated curtilage. The site frontage comprises a green banking with a number of trees, and shrubbery. The site then drops down substantially to the proposed car park and shop area, and there is a substantial and impressive woodland area on the eastern side of the site, that flanks the river and extends both to the north and south for some considerable distance.
- 10.46 Given the difference in levels the proposed shop will be looked down on from Huddersfield Road, and be seen in relation to the backdrop of the woodland.

- 10.47. The proposed store building is roughly rectangular in shape and single storey, with a shallow mono pitch sloping roof. The building will be constructed of glazing areas for the entrance and lobby, and a combination of pitched faced and split faced stone(providing slight textural contrast) and a shallow pitched roof (anthracite coloured cladding. It is considered that this low rise proposal is appropriate for this site, and the use of natural materials in the elevations accords with the Councils policy relating to development on main arterial roads ,and areas where natural stone is a prominent local material
- 10.48. The siting of the store is sufficiently distant from the woodland trees to cause no resultant damage to the woodland edge, also there will be no activity to the rear of the store. As such the woodland backdrop is safeguarded.
- 10.49. To the front of the site the wooded banking is to be maintained, however a number of the trees are likely to be affected in securing the most appropriate access and alignment of access. However these trees can be replaced as part of a landscape scheme to be agreed.
- 10.50. As such it is considered that the scheme will deliver a good quality appearance utilising natural materials and respecting the sites character , and the topographical challenges and that it accords with Policies BE1 and BE2 of the UDP and the guidance contained in part 7 of the NPPF “Requiring good design”.
- 10.51. In terms of the impact on residential amenity, it is not considered that there will be undue increase of noise, and disturbance, from what is already an employment area. In this case the physical siting of the building and car park is remote from the nearest dwellings, so no issues of overlooking or shading occur.

Flood Risk /Drainage

- 10.52. The application site is located mainly within Flood Zone 1, with a small portion of the site towards the east adjacent the River Holme as Flood Zone 2, and 3. The entirety of the retail footprint is within flood Zone 1
As such the application is accompanied by a Flood Risk Assessment, and also a Sequential Search has been undertaken.
- 10.53. Sequential Test/Exceptions Test- The search area, is defined by an approx. 5 minute drive distance, which includes the Holme Valley settlements and centres of Holmfirth, Honley and Brockholes. This is considered to be an appropriate search area for this type of development, as it includes town and village centres sites as well as edge of and out of centre sites.
- 10.54. The only town centre site was of limited size and unable to accommodate the scale of the development. 4 edge of centre sites were examined in both Holmfirth and Honley, and discounted as the sites are either too small or unavailable. All of these sites were entirely within Flood Zone 1.
- 10.55. It is considered that the Sequential Test search has been undertaken in accordance with the guidance contained in paras 101-103 of the National Planning Policy Framework, and covering a logical and reasonable search area. As such the sequential test is considered to have been satisfactorily completed.

- 10.56. The Exceptions test is applied only after the Sequential test been passed. The development footprint is entirely within Flood Zone 1(ie the area least likely to flood). In terms of flood risk vulnerability, a retail use is classed as "less vulnerable" and is compatible with all flood zones excepting functional flood plain.
- 10.57. The submitted Flood Risk Assessment identifies the necessary mitigation, including finished floor levels to the store, and ground levels to divert any run off away from the store of the car par areas. As such it is unlikely that there will be any flooding of any new or existing buildings, in the 1 in 100 year worst event scenario, or that the development will result in additional flooding further down-stream.
- 10.58. As the site is currently a brown field development the existing surface water flow rate should be reduced back to a greenfield run off rate. Conditions to demonstrate how this will be achieved are recommended.
- 10.59. As such it is considered that the issues of flood risk and drainage have been satisfactorily addressed as part of this application, and can be dealt with by condition.

Environmental Issues

- 10.60. Decontamination/ remediation. The application is accompanied a by a phase 1 and Phase 2 Contamination land reports, together with some supplementary gas monitoring. It is considered that this brown field site, can be satisfactorily remediated and made fit to receive the new development. This matter can be deal with by the imposition of conditions covering the submission of a remediation statement, and he subsequent validation statements.
- 10.61. Noise. At the request of the Local Planning Authority additional noise testing was carried out around this site, with regard to the potential impact of the vehicular traffic, and deliveries, and background continuous noise from plant and equipment associated with the store. The potentially affected properties included dwellings opposite the site on Huddersfield Road, dwellings on Longlands Bank/ Woodchurch View; and Miry Lane.
- 10.62. The test area, is reasonable, and the tests methodology sound and robust. The conclusions indicate that he difference in Noise as a result of a retail unit would equate to " no observed adverse impact" as defined in the National Planning Policy Guidance as the increase is barely above he existing background noise levels on what is already a employment site located next to a busy road.
- 10.21. As such there are no concerns regarding noise to raise with this application. Hours of use for opening and delivery are recommended to be conditioned.
- 10.22. Air Quality In accordance with the guidance contained in the West Yorkshire Low Emissions Strategy, an Air Quality Assessment has been undertaken on the basis of this development falling into the category of a "major "scheme, that is likely to increase traffic flows, both daily and annually by more than5%..

- 10.23. The assessment was undertaken in line with a methodology agreed by the Environmental Health Service, and the conclusions arrived at indicate that the increase in NO₂ at the receptive points is negligible.
- 10.24. The guidance within the west Yorkshire Low Emissions Strategy identifies a number of “mitigation options”. In this case the options include the production and monitoring of a Travel Plan, and the provision of 5 no Electric Charging points within the car park.
- 10.25. It is considered that the issue of Air Quality has been satisfactorily addressed and appropriate mitigation, can be conditioned.

Bio diversity/ Landscape

- 10.26. This application has been accompanied by an Ecological Appraisal, and it is considered on the basis of this that it is possible to redevelop this site whilst avoiding significant ecological effects, particularly relating to the neighbouring woodland and bat roost potential.
- 10.27. The applicants have submitted a bat survey, and this confirms 2 roosts within the existing building, that are considered to be of low conservation significance. Notwithstanding this no demolition can take place of any building until either a Bats Law Impact Class License or a standard mitigation licence is applied for and granted. In this case it is considered that the proposal should mitigate for the loss of the 2 roosts, as the retail use is unacceptable to accommodate alternative roosts, but new bat boxes, and birdboxes could easily be sited in neighbouring woodland that is already a natural foraging area. This mitigation would need to be accompanied by a sensitive lighting scheme, which would be the subject of a condition
- 10.28. The scheme includes a full tree survey, that identifies the mature trees, woodland and those trees covered by Tree Preservation Order, across the site. The woodland to the rear of the proposed store is unaffected, and as such the development does not harm that element of the existing landscape, or detract from the integrity of the green corridor.
- 10.29. A number of the mature trees across the site are proposed to be removed to facilitate improvements to the access and the parking provision. This is unfortunate, but there is opportunity to replace trees within the proposed landscaped areas within the site.
- 10.30. As such it is considered that this proposal satisfactorily addresses the issues of bio diversity enhancement and landscape protection contained within the guidance of part 11 of the National Planning Policy Framework “Conserving and enhancing the natural environment”.

Crime Prevention

- 10.74. There is no objection in principle to a retail store on this site. Retail development is vulnerable to particular types of crime and anti-social behaviour ie car crime, ATM crime, car crash, robbery, cash in transit crime and anti-social behaviour within the car park.

- 10.75. The above matters should be dealt with via the imposition of a Crime Prevention conditions, which should include such measures as CCTV, lighting, and car park surveillance.
- 10.76 As such it is considered that issues associate with Crime Prevention can be satisfactorily addressed by condition and satisfy the Policy BE23 “Crime Prevention” of the Kirklees Unitary Development Plan.

Objections

- 10.77. The objections to this scheme essentially fall into 3 areas.
- 10.78. Policy objections ie the site should be retained for an employment use as it is allocated as an Employment priority Area on The Emerging Local Plan, and it was previously in Employment use.
Response: The site has been vacant for some time, and various applications for reuse have been explored and not progressed. The area of land lost to employment use(ie B1, B2 and B8) is only a portion of the allocation, and it is not considered to be of a scale that will fundamentally affect the Employment aims and aspirations in the Kirklees Local Plan. Also the retail unit is considered to be a significant economic driver producing inward investment, new employment and regeneration for the site.
- 10.79. The Retail Impact Assessment and the Sequential Test have not been satisfactorily carried out, which leads to incorrect conclusions.
Response: the sequential test search area is consider to be satisfactory and additional sites were examined as part of this process. The Impact Assessment has been updated taking into account 3rd party representations and its conclusions and rationale are provided within the Assessment .
- 10.80 Highways Issues traffic congestion, and increased hazard to pedestrians on neighbouring streets.
Response: A transport Assessment has been submitted and updated, Amended plans have been negotiated to secure the most appropriate access into the application site, as well as the neighbouring site on which there is an application for Business Units

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. The principle of the development on this site for a none B1,B2 and B8 use is considered acceptable in this case, and the retail impact assessment and sequential test have been carried out in a robust manner and the justification for the stores location is justified.
- 11.3 In terms of appearance, it is considered the proposed building respects the sites topography, and not intruding into the neighbouring woodland and incorporates the use of natural materials which is appropriate for this location.

- 11.4 Highways matter have been agreed and additional information and plans provided to deliver an appropriate access to this site, and the neighbouring site.
- 11.5. Matters of drainage, noise, air quality, remediation and bio diversity enhancement have all been satisfactorily addressed, and covered by the imposition of appropriate conditions
- 11.6. As such 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. 3 year Time Limit
- 2. In accordance with plans
- 3. Samples of materials
- 4. Landscaping
- 5. Tree protection
- 6. Environmental Health
 - decontamination/remediation;
 - Provision of electric charging points
 - Hours of use and delivery
- 7. Drainage - greenfield run off rates; attenuation details; finished floor levels in accordance with FRA.
- 8. Bio diversity enhancement measures
- 9. Lighting scheme
- 10. Limitation of floor space and net sales area for comparison goods
- 11. Highways- Access details agreed
 - parking areas provided and surfaced
 - Provision of Travel Plan.
- 12. Crime Prevention condition.

Background Papers:

Application and history files.

Website link to be inserted here

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

Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 05-Oct-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

15-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: Holme Valley South

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.

1.0 INTRODUCTION / REASON FOR DEFERRAL

- 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.
- 1.2 The application was deferred by the Strategic Planning Committee on 7th September 2017 in order to ensure that the proposed access was fully considered in conjunction with planning application 2017/91796 for a new foodstore which is proposed on a parcel of land on the southern side of the proposed access. Members also requested that the proposed hours of use were reviewed in light of the proposals on the neighbouring site and were consistent and fair with regards to local residents amenity.

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 employing 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. We 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.

Non statutory consultees

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 these are 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 There are no objections in principle from Kirklees Highways DM to the revised highway plans. A condition for the details and construction of this junction works will be attached to the decision notice.

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. Given that the layout of the scheme has not been considered, a

condition is recommended requiring that operating hours and delivery hours are considered at reserved matters stage. This responds to the comments on the hours of use condition previously raised by my Committee at the last meeting and will allow a more accurate assessment to take place once detailed layouts are known. It will also likely result in having a knowledge of the hours of operation of the adjoining site, should that achieve planning permission.. On this basis 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 conditions to cover intrusive investigation, remediation and validation
4. Ecological enhancement
5. Drainage
6. Travel Plan
7. Highway access detailed design.
8. Landscaping to include a buffer in north west corner of site closest to residential property
9. Operating hours and Construction hours to be determined as part of reserved matters
10. Construction management plan
11. Details of external plant
12. Floodlighting details and a scheme to manage and control lighting
13. Details of drainage to accompany reserved matters – layout
14. Flood evacuation plan
15. Electric Charging Points 10% of spaces

**Background Papers:
Application and history files.**

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f90207>

Certificate A

Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 05-Oct-2017

Subject: Planning Application 2017/90557 Erection of 99 dwellings Calder View, Lower Hopton, Mirfield, WF14 8JD

APPLICANT

Brian Reynolds, Gleeson
Homes Ltd

DATE VALID

17-Feb-2017

TARGET DATE

19-May-2017

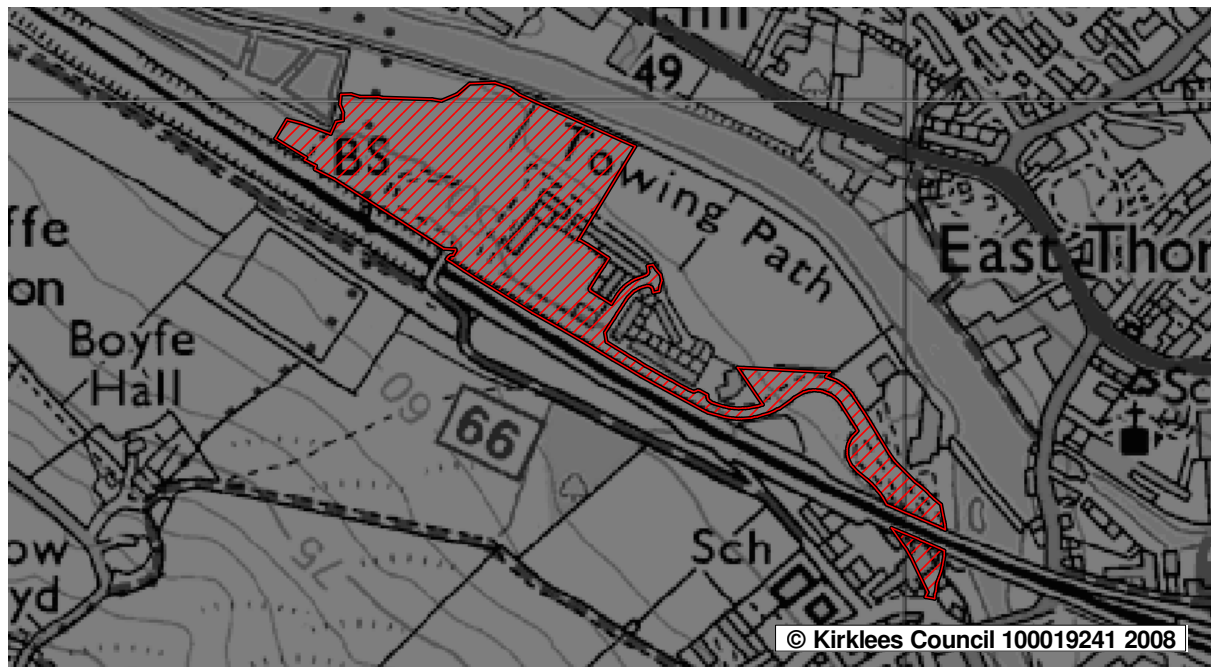
EXTENSION EXPIRY DATE

09-Oct-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:

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:

£22,162 for the purposes of highway maintenance, monitoring and clean following any flooding event.

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

1.0 INTRODUCTION:

- 1.1 The proposed development involves a full planning application for the erection of 99 dwellings. The application is referred to Strategic Planning Committee on the basis of the scale of the proposed development.
- 1.2 The site currently benefits from planning permission. Planning applications 2001/92359 and 2006/92410 granted consent for the erection of 203 dwellings. However, due to financial difficulties, the proposed development was never fully completed. A total of 65 dwellings have been built and therefore, there remains a live planning consent for a further 138 dwellings.
- 1.3 The current planning application therefore, proposes an overall reduction in the number of units from 138 (as consented) to 99 dwellings.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site lies immediately adjacent to a residential area which includes a number of incomplete houses and infrastructure associated with a stalled housing development. Immediately to the south west of the site is a railway line which is separated from the site by a wooden fence. The northern portion of the site includes an area of open land which faces the River Calder. In a wider context the site is within 500m of the centre of Mirfield.
- 2.2 To the north west of the site are a number of trees which surround a number of lakes on site.

- 2.3 Access to the site is currently taken via a series of roads which run under a railway bridge from Calder Road. There is an emergency access which runs from Calder Lane to the site at a higher level.
- 2.4 The site itself constitutes an area of open land which has been partially developed in conjunction with planning permissions 2006/92410 and 2009/91267. There are remnants of building materials and infrastructure on this part of the site but the site generally resembles an unmanaged, grassed area of open, derelict land.
- 2.5 A number of dwellings face the application site along Banks Mews and a number of other dwellings positioned within the development boundary off private driveways.

3.0 PROPOSAL:

- 3.1 This is a full planning application and proposes the erection of 99 dwellings. The proposal would utilise the existing access road which leads from the junction of Chadwick Lane, South Street and Newgate. The existing access serves the existing development and the proposal would effectively extend the existing estate road which would loop, and from which would run a series of cul-de-sacs and private driveways.
- 3.2 Dwellings would comprise 13 different property styles consisting of 34no. 2 bedroom units, 59no. 3 bedroom units and 6no. 4 bedroom units. Properties would be a mix of semi-detached and detached units. It is proposed that all dwellings would be a maximum of 2 storeys in height.

Amendments

- 3.3 The scheme has been amended during the course of the planning application. The amendments can be summarised as follows:
- Alignment of the layout has been altered slightly in order to move the scheme away from the former railway bridge crossing point.
 - Alterations to plots in order to accommodate a gate to the rear gardens in order to allow bins to be moved from the front to the rear of properties.
 - Additional information and clarification has been provided in respect of drainage.
 - Amended plans have been provided in respect of the proposed area of Public Open Space in order to ensure that suitable play provision and accessibility for existing and future residents is provided.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

2001/92359 – Outline application for employment and residential development with access and associated works – refused but upheld on appeal.

2006/92410 – Reserved matters application for the erection of 203 dwellings with garages and B1 office block with associated landscaping and car parking – approved.

2007/95325 – Reserved matters application for landscaping scheme for residential and employment development – approved.

2009/91267 – Erection of 12 dwellings – Approved.

5.0 PLANNING POLICY:

- 5.1 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.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 5.2 D2 – Land Without Notation
H1 - Housing Need
H10/12 - Affordable Housing
H18 - Provision of Open Space
BE1/2 - Design and the Built Environment
BE11 - Building Materials – Natural Stone in Rural Area
BE12 - New dwellings providing privacy and open space
BE23 - Crime Prevention Measures
EP4 – Noise Sensitive Development
EP10 - Energy Efficiency
EP11 - Landscaping
T1 - Sustainable Transport Strategy
T10 - Highways Safety / Environmental Problems
T16 - Pedestrian Routes
T19 - Off Street Parking
G6 - Contaminated Land

Kirklees Draft Local Plan Strategies and Policies (2017):

- PLP3 – Location of New Development
PLP7 – Efficient and effective use of land and buildings
PLP11 – Housing Mix and Affordable Housing
PLP20 – Sustainable Travel
PLP21 – Highway safety and access
PLP22 – Parking

PLP24 – Design
PLP27 – Flood Risk
PLP28 – Drainage
PLP30 – Biodiversity and Geodiversity
PLP32 – Landscape
PLP35 – Historic Environment
PLP48 – Community facilities and services
PLP51 – Protection and improvement of local air quality
PLP52 – Protection and improvement of environmental quality
PLP61 – Urban Green Space
PLP62 – Local Green Space
PLP63 – New Open Space

5.3 Supplementary Planning Guidance:

- Providing for Educational needs generated by new housing
- Interim Affordable Housing Policy
- West Yorkshire Air Quality and Emissions Technical Planning Guidance
- Planning Practice Guidance

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

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been advertised in the press, by site notice and by neighbour letter as a Major Development. A total of 2 representations have been received which are summarised below. A response to these points is provided in the main body of this report unless otherwise stated:

- I do not think the look of the new affordable homes will fit with the look of the existing houses on the site. The style and building materials of the existing houses should be taken into account when deciding on new house types. I do not agree with the plan to demolish two existing new build detached houses to replace them with new affordable homes. These two houses could be sold off to someone that would finish them for a considerably lower financial and environmental cost. I am concerned that the introduction of such a high number of affordable homes will attract landlords looking to buy cheap investment properties leaving very few houses for people trying to get a foot on the property ladder.

Officer response – The application does not propose to build affordable homes in accordance with the planning definition. The applicant proposes dwellings which could be sold on the open market.

- The junction just before the road drops under the railway viaduct is chaotic, particularly at school delivery and picking up times. There needs to be careful thought out in to improve the junction of 5 roads. With an increase of 150 cars using it, there could be chaos. It may be a mini-roundabout would be appropriate? Please address this issue before going ahead.

Officer response – There is an extant planning permission for housing on this site. Off-site highways works/mitigation was dealt with as part of previous planning consents as detailed in the highways section of this report.

- We have examined the plans as we reside on the site and we wish to object strongly to the development of proposals to build houses and garages directly behind our residence. Within the plans there is a proposal which we feel that the main adverse impacts upon our property and garden would be a severe reduction in light levels and an unacceptable loss of privacy will certainly impact on the peaceful enjoyment of our home and garden. The combination of the house and garage dimensions and its proximity to our property and garden would lead to a general loss of light and serious overshadowing to our property and garden throughout the day. We have a window and a set of French doors serving habitable rooms close to the application site and we are very concerned these would be affected. The extent and height of the garages and house will be visually overbearing and intrusive as they will in a direct loss of sunlight to our garden and overall privacy due to the proximity and height of the structures which is unacceptable. We purchased our property over 8 years ago from McInenery builders with the understanding there would be no properties built directly behind our property meaning our privacy and sunlight into our property and garden would never be compromised. Having reviewed the proposed properties build also we are concerned that the style and look of the proposed new properties are an inappropriate design when compared to the our property and other properties within our areas and as such the design of the properties we have seen proposed are not in keeping with the design of other properties in our area. Taking all of the above into account we feel that the application particularly the proposal to build garages and a house behind our property should not be permitted.

Councillor Bolt has made a number of comments. Whilst not formal representations on the application, he is keen to ensure that the previously agreed public open space is provided on the site.

7.0 CONSULTATION RESPONSES:

7.1 Statutory:

Environment Agency - The applicant has failed to submit any Sequential Test evidence with this application. The site lies partly within Flood Zones 2 and 3, which have a medium and high flood risk. Paragraph 101 of the National Planning Policy Framework (NPPF) requires decision-makers to steer new development to areas at the lowest risk of flooding by applying a Sequential Test.

Avoidance is the most effective flood risk management measure. Even when development can be made 'safe' in flood risk areas, there are always residual risks. In accordance with paragraph 103, consideration should only be given to development in flood risk areas following the Sequential Test.

Please ensure that sufficient evidence is provided by the applicant to allow the Sequential Test to be carried out. Development should not be permitted if there are reasonably available sites, appropriate for the proposed development, in areas with a lower probability of flooding. Evidence to support the sequential test should be added to the planning file for the public record.

It is noted that the majority of the site lies within Flood Zone 1, and therefore a sequential approach to the site layout should be considered by locating the built elements of the development in the lowest risk parts of the site.

Exception Test

The Exception Test should be applied only after the Sequential Test has been applied. If the Sequential Test demonstrates that there are 'Reasonably Available' lower risk sites to which the development could be steered, the Exception Test should not be applied and the application should be refused.

Paragraph 102 of the National Planning Policy Framework (NPPF) makes clear that both elements of the Test must be passed for development to be permitted. Part 2 of the Test requires the applicant to demonstrate in a site specific flood risk assessment.

Yorkshire Water – No objection subject to a condition.

Lead Local Flood Authority – No objection.

7.2 **Non-statutory:**

Biodiversity Officer - The submitted ecological information is sufficient to determine that none of the habitats present fall within the types listed as Habitats of Principle Importance (listed under the provisions of section 41 of the NERC Act 2006) and that protected species are unlikely to be present. Recommendations for ecological enhancement are, however, absent and this does not appear to have been a consideration in the design process. The proposed layout is poor in that no provision appears to have been made to the conservation or enhancement of the natural environment. In particular, consideration needs to be given to the local green infrastructure resource.

Environmental Health – No objection subject to conditions concerning acoustic fencing, contamination and electric charging points.

Conservation and Design - The proposal is much in line with that submitted for a formal pre-application advice in October 2016. The layout is very much as that submitted as part of the outline and reserved matters applications. Overall I have no objection to this proposal subject to the comments of Highways and those relating to POS/landscaping.

Strategic Housing - This development continues a previously stalled site. Outline planning permission 2001/92359 and reserved matters 2006/92410 approval were subject to S106 obligations. As part of those obligations, the developer of the former stalled site paid a financial contribution towards subsidising the sale of 12 homes to a Registered Provider (app no: 2001/92359, '15/06/2011 - Section 106 - Second Agreement').

A S106 obligation for the previous development also required the payment of £22,162 in lieu of providing on-site affordable housing (app no: 2001/60/92359, '07/09/2011 - Section 106 - Variation Agreement'). This contribution remains outstanding. The applicant has advised that they are prepared to pay this outstanding amount. The S106 covering the £22,162 financial contribution allowed for it to be spent elsewhere in Kirklees. Page 5 of the S106 states that: *'The Council hereby covenants with the Owner and the Developer to use the Financial Contribution for the purposes of creating Affordable Housing within the N3 N5 N6 or N7 Market Areas as identified on Plan 2.'*

(Market Areas= N3 (Batley/Dewsbury), N5 (Mirfield), N6 (South Dewsbury) and N7(Thornhill). Plan 2 is on page 7 of the S106).

The agreement set out in the S106 states that the sum of £22,162 may only be used for the purposes of Affordable Housing in the previously noted housing Market Areas. As the financial contribution would have limited use in providing affordable housing onsite at Calder View (2017/90557), it would be best used as a contribution towards the provision of affordable town centre housing in Dewsbury, as part of the North Kirklees Growth Zone (NKGZ).

Canal and Rivers Trust - The site is situated next to the River Calder, of which the Canal and River Trust are the Navigation Authority. The Trust do, however, have land interests in the navigation to the immediate west and east of the river that the site adjoins.

The Trust support the general proposal to ensure that the houses front the river, whilst the set back of the houses from the towpath will reduce the impact of access roads on the riverside to an extent. We would promote the enhancement of green links along the waterway. Natural England identify that the river valley forms an important sub-regional Green Link, and we would therefore promote the use of native planting close to the river in order to strengthen the links along the river/waterway as a whole. This ties in with the general aims of paragraph 118 from the National Planning Policy Framework, which encourages opportunities to be taken to incorporate biodiversity in and around developments. Such detail, potentially, may be provided as part of a detailed landscape scheme.

Architectural Liaison Officer – *Rear Garden fence* - This should be to a minimum height of 1.8m, and be constructed of closed boarded timber fencing as opposed to the 'hit and miss' fencing (with gaps) as shown in the application. This applies to all the rear garden fencing, including those that back onto other gardens, and not just to those gardens that back onto open public space. Having a lesser height of fencing and / or fencing with gaps would inhibit residents' privacy, and would give extra opportunity to would be offenders to see whether the occupants were at home.

Rear gardens. Side boundaries dividing house plots from each other - Plot dividers need to be tall and substantial enough to provide both privacy and security. Closed boarded timber fencing should be provided to a minimum 1.5m in height between gardens, and include privacy screen (a section of higher fencing) of 1.8m in height projecting out from the building for about 2m, to provide a private amenity area adjacent to the home. The application proposes 0.6m post and wire as a division between gardens. This would be totally inadequate for any privacy, safeguarding of children, control of animals or any form of security.

Mirfield Town Council - Would like to object to the public open space provision not having a play area and feel that as the nearest play area is Mirfield Memorial Park, that play equipment is erected in the public open space. MTC would also like clarification as to where the play equipment from South Street has been stored and suggests that perhaps this can be used by the developer. In respect of the drainage, MTC would like clarification regarding the discharge of surface water. If the pump discharges water in to the river, how much water will be left in void, ie dip in the road. MTC are also concerned

about the current highway. It would like confirmation that the current highway, following years of deterioration meets and conforms to current highways regulations.

Education - An education contribution of £239,419.00 is required.

Officer response – It has been confirmed that an Education Contribution of £235,008 was previously made in accordance with the terms of the S106 Agreement associated with the extant planning permissions. Therefore, a further contribution is not required in this case.

Landscape Officer – No objection subject to a condition.

8.0 MAIN ISSUES

Principle of Development
Impact on Character and Appearance of Area
Residential Amenity
Highway Safety
Ecology
Other Matters
Planning Obligations
Conclusion

9.0 APPRAISAL

Principle of development

- 9.1 The site lies on land without notation on the Unitary Development Plan. In addition, the principle of development has previously been accepted on this site. Planning permissions 2001/92359 and 2006/92410 granted permission for a total of 203 dwellings (there was a subsequent planning permission to amend some of the house types in 2009). The red-line boundary of the consented scheme followed the same site area as the proposed development. However, the developer at the time faced financial difficulties and subsequently ceased works on the site after 65 dwellings had been built leaving the remainder of the site partially developed.
- 9.2 The fall-back position is that the remaining 138 units could be built in accordance with extant planning permissions. The current planning application therefore, proposes an overall reduction in the number of units from 138 (as consented) to 99 dwellings which in turn would increase the space available within the development. In principle, the proposal is considered to represent an acceptable form of development.
- 9.3 In the emerging Local Plan – Publication Draft Local Plan (PDLP) - the site remains unallocated and in the Council's Strategic Housing Land Availability Assessment (SHLAA) the site is highlighted as one with planning permission for a remaining total of 137 dwellings, deliverable within 5 years. It therefore, forms part of the Council's housing land supply figure which has been used to inform the emerging Local Plan. The main change in circumstances since the extant planning applications were considered is that the Council are now unable to demonstrate a 5 year housing land supply, as required by paragraph 49 of the NPPF. In accordance with paragraph 14 of the NPPF there is a presumption in favour of sustainable development and planning

permission should only be refused where there are adverse impacts which would significantly and demonstrably outweigh the benefits.

Impact on Character and Appearance of the area

- 9.4 Section 11 of the NPPF sets a wide context to conserving and enhancing the natural environment and requires that valued landscapes are protected and enhanced and requires that the level of protection is commensurate with the status and importance of the landscapes.
- 9.5 Policy BE1 of the UDP requires that all development should be of good quality design such that it contributes to a built environment. Policy BE2 states, amongst other matters, that new development should be designed so that it is in keeping with any surrounding development. Policy BE11 of the UDP requires that new development should be constructed in natural stone of a similar colour and texture to that prevailing in the area. Policy PLP24 of the PDLP requires that good design to be at the core of all planning decisions.
- 9.6 Much of the site is previously developed and some of the land behind existing houses is unkempt and includes areas of rubble overgrown with vegetation. Many roads within the site lack a finished surface with stretches of roads not serving any housing. Existing housing stock mainly comprises 2 and 3 storey red brick houses and apartments.
- 9.7 The proposed development would reduce the permitted density of development and accommodate two storey and two and a half storey units utilising 13 different property styles, consisting of 34no. 2 bedroom dwellings, 59no. 3 bedroom dwellings and 6no. 4 bedroom dwellings.
- 9.8 The dwellings would comprise a mix of red and buff brick with buff brick detailing around windows and doors. Windows would be white PVC. The appearance of the dwellings would be simplistic but would appear representative of the local area and the existing housing stock within the site. Whilst it is accepted that the design of the dwellings proposed is slightly different to those consented and those which have already been built adjacent, the scale and overall appearance would not represent a marked change in context of the overall street scene. It is noted that the existing housing was constructed of a mottled red brick and is considered to match relatively well with the textured and contrasting brick type proposed by the applicant. In this regard the proposed development is considered acceptable.
- 9.9 A number of comments have been made by the Architectural Liaison Officer (ALO) concerning the height and type of rear fencing and boundary treatment. The ALO generally seeks higher fencing to the rear of proposed dwellings in order to provide security and privacy. The application is accompanied by a Secured Through design statement which, in respect of rear gardens, generally seeks to group properties into secure zones and does not propose high fencing within rear gardens, this in order to increase observation of rear gardens by clusters of properties.
- 9.10 The front of all properties includes open aspects and minimal boundary treatment in order to increase natural surveillance. A range of other measures including secure doors, gates and providing a layout with natural surveillance are all measures proposed to design out crime. Whilst the ALO does not accept the crime mitigation proposals particularly in respect of rear gardens;

overall, given the range of other measures proposed as part of the development in order to design out crime, the application is considered to comply with policy BE23 of the UDP.

- 9.11 In respect of the proposed public open space (POS), the applicant has amended the scheme in order to improve the proposed POS within the site. The scheme includes a circular path which would also provide access to the path adjacent to the river. The POS area would be supplemented by tree planting around the path along with a variety of play equipment and a wildflower mix on the periphery of the POS. The proposed development would provide well in excess of the POS requirement set out in policy H18 of the UDP (which requires a minimum of 30m² per dwelling). Given that no POS was provided as part of the existing development, it would also be available for use by existing residents of the former McInerney development and the amount of POS proposed would be sufficient to cater for both the existing and proposed development. The Council's landscape officer raises no objection to the POS on the basis that it is properly maintained by the applicant. However, they would wish to see minor alterations to the layout of the play equipment and a number of bins provided for dog walkers. Therefore, a condition is proposed requiring final details of the POS to be agreed. On this basis the application is considered to comply with policy H18 of the UDP.

Residential Amenity

- 9.12 Para 123 of the NPPF indicates that planning policies and decisions should aim to:
- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
 - mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through use of conditions.
- 9.13 Policy BE12 of the UDP provides guidance on appropriate separate distances for dwellings. PLP24 of the PDLP requires developments to provide a high standard of amenity for future and neighbouring occupiers.
- 9.14 In all cases the proposed development would exceed the guidance set out in policy BE12 of the UDP in respect of spacing standards and there is considered to be sufficient space between existing and proposed dwellings, outbuildings and gardens and sufficient space between proposed dwellings for future occupiers. An objection has been raised by the occupier of an existing property (no 83 Calder View) in relation to the proximity of one of the proposed dwellings and garages. However, the nearest proposed garage to this existing property is 10m and as the proposed garage is single storey and the roof slopes away from the boundary of the garden, the impact on the amenity of the existing occupiers is considered to be acceptable. In this case the nearest dwelling directly facing the garden would be positioned over 27m from no83 and in excess of the requirements set out in policy BE12 of the UDP. Whilst it is noted that the previously consented layout on this site meant that no83 would be back onto an area of car parking, the proposed development would be in accordance with the UDP in respect of spacing standards and therefore, in compliance with planning policy.

Highway Safety

- 9.15 Policy T10 of the Kirklees UDP states that new development will not normally be permitted if it will create or materially add to highway safety issues. Policy PLP21 of the PDLP aims to ensure that new developments do not materially add to existing highway problems or undermine the safety of all users of the network. Para 32 of the NPPF states:

Plans and decisions should take account of whether:

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

- 9.16 The site is accessed from a single road to the south of the application site (Chadwick Fold Lane) which then splits into three in order to negotiate the existing railway arches. The three accesses comprise Calder View and Chadwick Fold Lane – both of which lead into the application site. There is a third access which sits on a higher level and lies furthest away from the river. This is the emergency access into the application site.
- 9.17 The site already benefits from extant planning permissions which permitted more dwellings to be built on the site than currently proposed. Vehicular and pedestrian access to the site is proposed by way of the same provision provided under the extant planning permission. As part of the extant planning permission an agreement under Section 278 of the Highways Act 1980 was subsequently completed in order to introduce traffic signal control at the junction of Huddersfield Road/Newgate/St Paul's Road together with footway improvements to Chadwick Fold Lane, Chadwick Lane, North Street and Calder Road.
- 9.18 As the proposed scheme involves 39 no less dwellings than the extant planning permission, the proposed development would generate less trips. The current proposals would result in 70 two way trips during peak hours. In comparison, the consented scheme would have resulted in approximately 97 trips during the peak period.
- 9.19 The proposed development is not considered to result in significant detriment to the safe and efficient operation of the highway network in respect of vehicular movements. Kirklees Highways DM raises no objection to the proposed development in respect of impact on the capacity of the local highway network.
- 9.20 In respect of the internal layout, the proposed development provides for 2 no parking spaces per dwelling throughout the development. There is a slight under-provision for the 6 no 4 bedroom houses which would be expected to provide 3 spaces per unit. However, these units also include garages which would be of sufficient size to accommodate vehicles. In addition visitor parking is to be provided via natural on-street parking. Kirklees Highways DM raises no objections in this regard.

- 9.21 The layout has been designed in accordance with a refuse vehicle length of 11.25m and the applicant has been advised to track the layout in accordance with larger refuse vehicle dimensions of 11.85m. However, it is noted that the existing layout that has already been built has been tracked using an 11.25m vehicle and therefore, it is likely that the site would be served by a smaller vehicle given that these are the predominant size of refuse wagons in Kirklees. In any event, alterations to alignment and tracking etc could be dealt with as part of any subsequent S38 agreement.
- 9.22 In terms of accessibility, there are bus stops within 500m of the proposed housing and Mirfield Station lies within 1km all of which provide regular services. There is also a pedestrian link onto the riverside path. The site has previously been found as being in a sustainable location and there is no reason to alter this view based on the proposed development.
- 9.23 Issues concerning site access are covered in the 'Flood Risk and Drainage Implications' section of this report.

Flood Risk and Drainage Implications

- 9.24 The site lies partly within Flood Zones 2 and 3, which have a medium and high flood risk (although most of the site lies in Flood Zone 1). Paragraph 101 of the National Planning Policy Framework (NPPF) requires decision-makers to steer new development to areas at the lowest risk of flooding by applying a Sequential Test. In this case there is a realistic fall-back position in the form of an extant planning permission which permits more dwellings than the number proposed by this application. Consequently, it is not considered that the site is sequentially unacceptable.
- 9.25 The main issue concerns the suitability of the access to the site at times of flooding. The existing and proposed houses are on a higher level and fall outside the flood plain and therefore, the proposed development is not considered to result in additional flooding potential for existing or future occupiers. The site is constrained in respect of access because, in simple terms, the existing flood defences and access to the site under the railway arches are lower than the water level of the river experienced in more extreme storm levels. Therefore, during high river levels the water overtops the banking and floods under the railway arches. In more extreme events such as Boxing Day 2015, the site access was impassable. The applicant has commissioned a survey which shows that during these extreme flood events the emergency access, which also runs at a higher level under the railway arches, would flood.
- 9.26 It is important to note that the situation detailed above affects existing residents associated with the partially completed McInerney development. Indeed, a large proportion of the drainage covering the wider development site is already in place and the main issue in this case concerns flooding issues associated with the existing development and the additional impact the current proposal may have. The current proposal aims to improve the situation for existing residents and ensure the best achievable outcome for residents of the proposed 99 dwellings.
- 9.27 The site falls within a wider area of land which is on the Council's Flood Operational Management Plan. This means that the site is known to be at risk of flooding and there is an action plan in place to ensure that appropriate

measures are implemented when there is a potential for serious flood risk (including warning procedures). This strategy has been formulated through separate legislation. Therefore, if the site floods significantly, the Council are required to deal with flood warnings and have also dealt with clean-up operations associated with the site and access under the railway arches in the past.

9.28 The applicant is willing to provide a number of additional drainage benefits on the basis that the Council agree to adopt road and drainage infrastructure under S38 of the Highways Act. Roads and infrastructure within the McInerney site are currently unadopted. In summary, the proposed improvements involve the following measures:

- Proposal to divert the existing surface water drainage from the existing McInerney development to a surface water pump station which will pump flows directly into the river. The existing outfall which currently drains the site will be fitted with a flap valve in order to prevent river water from backing up into the site and flooding under the railway arches.
- The existing emergency access, which sits on a higher level than the access road under the existing railway arches, includes road gullies and drains which are linked to the main highway drainage. Therefore, when water under the arches rises at times of flooding, the gullies surcharge and also flood the emergency access. It is proposed to drain the emergency access via the pump station as detailed above.
- Revised signage to be provided to direct traffic away from the flooded arches and towards the emergency access.

9.29 The information submitted has been assessed by the Council's Drainage Officer and no objections have been raised subject to the installation of appropriate signage to be positioned close to the railway arches, in order to warn drivers of potential flooding. However, it should be noted that both the applicant and the Council's drainage officer are in agreement that there is no feasible drainage mitigation that would eradicate flooding completely from the access due to the level of the access under the railway bridge in relation to the surroundings, and the proximity to the river. However, the proposed development would potentially result in benefits for existing and future residents as a consequence of the mitigation measures proposed.

9.30 As acknowledged above, the site has previously become inaccessible during periods of severe flooding and this includes events of flooding of the emergency access route. Due to the severing of the existing gullies and the fact that the emergency access sits on higher level than the two other accesses under the railway arches, the applicant calculates that the emergency access should remain open and passable at times of most flooding events. Consequently, it is considered that the proposed development would remain accessible for existing and future residents and in this respect; the proposed development satisfies the exception test. It is also considered that, in accordance with para 100 of the NPPF, granting planning permission in this case would use opportunities offered by new development to reduce the causes and impacts of flooding.

9.31 Members should note that the measures above would only be carried out/implemented by the applicant in the event that the Council agree to adopt

the highways and drainage infrastructure under Section 38 of the Highways Act. Therefore, the measures proposed constitute wider benefits associated with the proposed development but they cannot be factored into the decision making process and do not weigh in favour of granting planning permission.

- 9.32 The applicant is working with the Council in order to ensure that the existing and proposed roads and drains within the application site and former McInerney site are adopted under S38 of the Highways Act. Officers and the applicant have made significant progress on this matter and dialogue has been constructive. In principle, the Council are close to agreeing to adopt under S38 on the basis that this site is unique and is already on the Council's Flood Operational Management (meaning the Council are required to deal with flooding incidents on the site even if it is not adopted). However, the Council have not yet made a final decision as to whether they are able to adopt the roads and drains/infrastructure under S38.
- 9.33 In the event that the proposals above are not adopted by the Council, the proposed development is considered acceptable largely on the basis that residential development has been found acceptable on this site previously. Drainage details concerning the proposed development have been submitted by the applicant and this demonstrates that drainage of the proposed development alone is acceptable in principle. The proposal is considered to provide drainage in a manner compliant with the NPPF. Accordingly it is not necessary or reasonable in this instance to condition the requirements of additional highway improvement works beyond signage and providing an emergency access route at a time of flood related to the site access in the event the Council does not adopt the roads.

Ecology and Nature Conservation

- 9.34 The NPPF recognises that applications should conserve and enhance biodiversity, valued landscapes, minimise impacts and recognise the benefits of ecosystems. UDP policy EP11 requires that application incorporate landscaping which protects/enhances the ecology of the site. Emerging Local Plan policy PLP30 states that the Council will seek to protect and enhance the biodiversity and geodiversity of Kirklees, including the range of international, national and locally designated wildlife and geological sites, habitats and species of principal importance and the Kirklees Wildlife Habitat Network.
- 9.35 The application has been accompanied by an ecological appraisal which did not reveal any significant ecological interest within the site boundary. Nevertheless, the site lies adjacent to the River Calder which is likely to have some ecological interest and the Council's ecologist has therefore, recommended enhancement be incorporated.
- 9.36 The scheme has been amended to include an area of wildflower meadow on the edge of the POS. This is considered sufficient to ensure that the application would bring about benefits in accordance with the requirements of the NPPF.

Other Issues

- 9.37 A noise report has been submitted with the application and the proposed development has been assessed in accordance with the requirements set out in policy EP4 of the UDP. The main noise source derives from the railway line

which is located to the south west of the site. In order to mitigate noise from the railway line it is proposed to include an acoustic fence (in place of the existing fence) which would run along the development boundary. Acoustic glazing and ventilation is also proposed for some plots. Conditions are recommended in order to ensure suitable mitigation is implemented.

- 9.38 In terms of air quality, the application has been assessed against the West Yorkshire Low Emission Strategy Planning Guidance. In accordance with the guidance the installation of 1 no electric charging point is required per unit or 1 charging point per 10 spaces. However, the applicant in this case proposes the installation of a spur in the garages to enable the installation of electric charging points but does not intend to provide charging points in accordance with policy requirements. In this case it is acknowledged that the site has a live planning permission for more dwellings than is now proposed and that represents a realistic fall back for the applicant. Consequently, the proposal represents a compromise which is considered acceptable to officers.

Planning Obligations

- 9.39 The outline planning permission 2001/92359 and reserved matters 2006/92410 approval were subject to S106 obligations in respect of an education contribution (£235,008), an off-site highway contribution (£30,000 towards improving pedestrian links between the site and Mirfield Town Centre), the provision of affordable housing and arrangements for the provision and maintenance (£37,000). These obligations have been met apart from the arrangements for the provision and maintenance.
- 9.40 In relation to affordable housing it is noted that the requirements of the original permission have been met. £1.262 million was given to Jephson Housing Association to subsidise the purchase of 5 apartments and seven three bed houses. These have now been transferred to the Housing Association stock.
- 9.41 Planning permission 2009/91267 for the erection of 12 dwellings (substitution of house types) for plots 72-81 was subject to a S106 obligation that required the payment of £22,162 in lieu of the provision of on-site affordable housing. This contribution remains outstanding. However, it is also noted that in the event that the roads are adopted under S38, there may be an opportunity to utilise the £22,162 for the purposes of highway maintenance, monitoring and clean up in the area surrounding the railway arches following any flooding event. In these circumstances it is recommended that the monies be spent on highway and drainage mitigation as opposed to affordable housing.
- 9.42 In respect of POS, a S106 agreement would be required to ensure adoption and future maintenance of the POS area.

10.0 CONCLUSION

- 10.1 The application site lies on an area of land allocated as Provisional Open Land on the UDP. The Council are unable to demonstrate a five year housing land supply and the NPPF seeks to boost significantly the provision of housing. In addition, the site forms part of a larger consented development which has been partially built. The partially built development could be completed at any time resulting in an addition 138 dwellings as opposed to the 99 dwellings proposed as part of this application.

- 10.2 There are a number of additional benefits proposed as part of the development. The layout is considered to be more spacious than the consented development and there would be tangible benefits in developing an area of land that is untidy and derelict. Aside from these direct benefits, the proposed wider drainage works would ensure that improvements were made to the drainage of the existing access ensuring that in the worst case scenario, there would be a safe access to and from the application site. This would also benefit existing residents of the partially built development. However, these drainage works are wider benefits which rely on the Council adopting the roads and infrastructure under S38 of the Highways Act.
- 10.3 All other matters including design, POS, ecology and highways have been satisfactorily addressed.
- 10.4 In conclusion, the tilted balance in favour of sustainable development as advocated by para14 of the NPPF is engaged in this case. There are no adverse impacts of granting planning permission which would significantly and demonstrably outweigh the benefits. Overall the proposal constitutes a sustainable form of development representing an improved design over the previously consented scheme, and it is therefore, recommended that planning permission is granted subject to the following.
- 11.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Development Management)**

1. 3 years
2. Approved plan
3. Boundary Treatments in accordance with details prior to occupation
4. Details of acoustic fence
5. Drainage details (excluding site access details if no adoption is agreed)
6. Finished floor levels
7. Details as to how the site to be accessed in emergency at times of flooding (emergency access)
8. Ventilation of windows closest to railway
9. Contaminated Land – in case contaminants found on site
10. YW – separate system of drainage for foul and surface water.
11. Measures to reduce crime in accordance with submitted report.
12. Construction method statement
13. Landscaping to be implemented.

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f90557>

Certificate of Ownership –Certificate A signed:

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Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 05-Oct-2017

Subject: Planning Application 2017/91677 Erection of 43 retirement living apartments, 83 bed care home with provision of communal facilities, landscaping and car parking and erection of 7 affordable dwellings Land at, Serpentine Road, Cleckheaton, BD19 3NA

APPLICANT

McCarthy & Stone
Retirement Lifestyles Ltd

DATE VALID

16-May-2017

TARGET DATE

15-Aug-2017

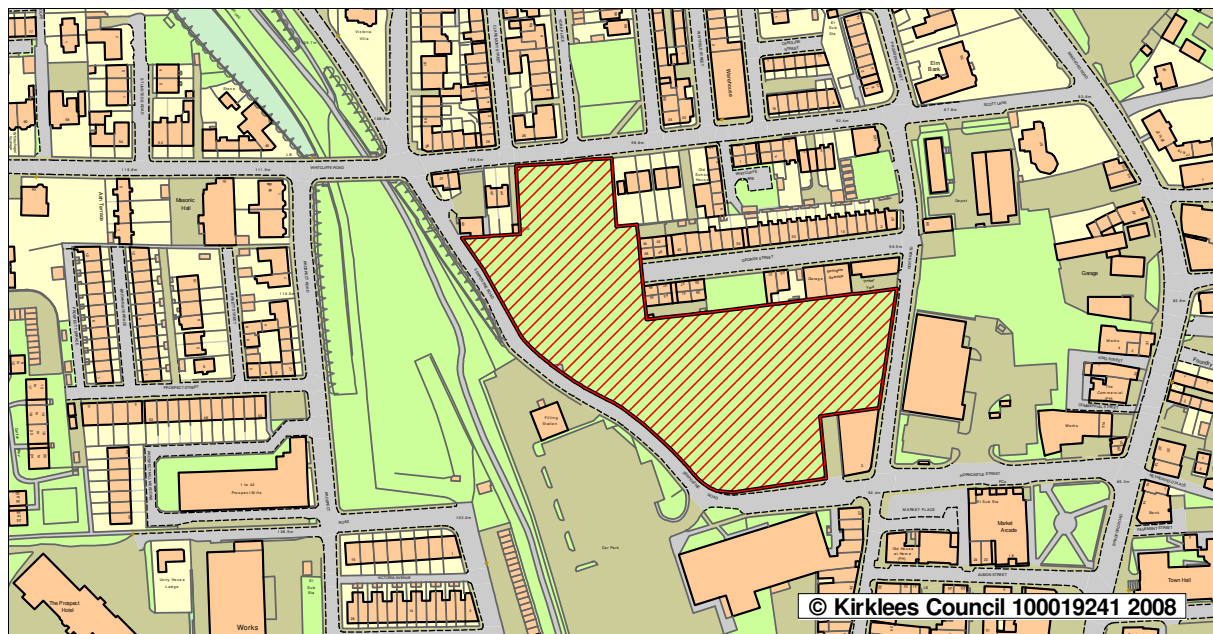
EXTENSION EXPIRY DATE

10-Oct-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

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 contained within this report and report and secure a section 106 agreement to cover the following matters:

1. 7 dwellings to be affordable with a tenure split of 4 being Affordable Rented and 3 being Intermediate Housing. Affordable units provided prior to 50% of the Retirement Living units being occupied.

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

1.0 INTRODUCTION:

1.1 The application is referred to the Strategic Planning Committee on the basis that the proposal comprises residential development of more than 60 units.

2.0 SITE AND SURROUNDINGS:

2.1 This brownfield parcel of land is located close to the centre of Cleckheaton and lies off Serpentine Road. Along the boundaries of the site are Serpentine Road, Northgate, Whitcliffe Road and George Street and there are a number of existing dwellings close to the site boundary.

2.2 The site generally slopes from north to south east and within the site itself there are areas of slopes and marked level differences. From the position of the existing and proposed site access on Serpentine Road the site slopes upwards generally towards Northgate.

2.3 The local area consists of a mix of housing and small shops and commercial units. To the west of the site and on the opposite side of Serpentine Road is a large Tesco supermarket.

3.0 PROPOSAL:

3.1 This application seeks to provide a mix of residential accommodation including 43 retirement living apartments, an 83 bed Care Home and 7 Affordable Town Houses.

3.2 The proposal involves the demolition of a number of existing structures within the site boundary and general site clearance works. Following this, it is proposed to erect the three different phases of development, as follows:

Retirement living development

3.3 The proposed Retirement Living development comprises 43 Units, 23 one bedroom and 20 two bedroom apartments for sale to older people. The proposal feature a House Manager's office alongside communal facilities such as a residents' lounge, CCTV entry system, Mobility Scooter store, guest suite and Careline alarm facility.

3.4 This phase of the development would be positioned within the western portion of the site. The proposed building would have an 'L' shaped footprint whilst providing a frontage to Whitcliffe Road. Access would be taken via a new vehicular access which would be sited approximately opposite the existing petrol station associated with Tesco.

3.5 Generally to the south of the proposed building it is proposed to create a car park for 30 vehicles. The building would be surrounded by a landscaped garden which would include a pathway.

3.6 The proposed building is 3 storeys in height with a double pitched roof constructed of a light, multi-buff brick with white brick work infill panels and reconstituted stone plinths that wrap around the proposed communal areas.

3.7 The roofs would be a delicate grey concrete tile, with white UPVC windows and French Doors. The proposal includes full height glazing and projecting elements and bays along the main face of the building intended to break up the massing.

Care Home

3.8 The proposed Care Home element would comprise a single building of 83 en-suite bedrooms together with tailored care and support, car parking and associated landscaping works. The development comprises shared day space, and sitting rooms on each floor together with a care home manager and on-site team who would manage the day to day running of the development 24 hours a day. The scheme incorporates a mix of nursing, residential and dementia care and includes on-site facilities such as a hair salon.

3.9 This element of the proposal would sit centrally within the site utilising an existing access off Serpentine Road. The proposal would sit on a lower level than the retirement living development located to the north west and therefore, the two phases of development would be divided by a retaining wall element.

- 3.10 The building would be a mix of two and three storey with buff/red brickwork, art stone and rendered panels and a single pitched roof. Main elevations would be broken up by projecting bays. The proposal includes a secure landscaped garden area.

Town Houses

- 3.11 The Affordable Housing element will comprise the provision of 7 number two bed Town Houses. The proposed dwellings would be orientated to front onto Northgate and they would be two storey properties.
- 3.12 The proposed dwellings would have a staggered arrangement in order to facilitate direct pedestrian access from Northgate to the front door. Parking is proposed on the northern side of the row of properties in a separate parking area.
- 3.13 Each dwelling would include a small rear garden which would sit on a lower level than the care home to the west.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2007/94612 – Erection of supermarket, 11no retail units, car parking, landscaping, realignment of road and associated works – approved in 2011 subject to S106.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The proposed development has been the subject of a pre-application enquiry with the Council. The Council issued a response to the applicant on 2nd May 2017.
- 5.2 A number of amendments have been requested as part of the current application. This includes alterations and improvements in order to better facilitate pedestrian accessibility, the removal of a proposed roof terrace close to existing properties on George Street and the provision of additional landscaping.

6.0 PLANNING POLICY:

- 6.1 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.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

BE1 – Design principles
BE2 – Quality of design
BE12 – Space about buildings
BE23 – Crime prevention
D2 – Sites without notification on the Unitary Development Plan
D6 – Land adjoining green corridor
EP4 – Noise sensitive development
EP10 – Energy Efficiency
EP11 – Ecological landscaping
G6 – Land contamination
H1 – Housing needs of the district
H10 – Affordable Housing
H12 – Arrangements for securing affordable housing
H16 – Residential Homes for the Elderly
H18 – Provision of open space
NE9 – Retention of mature trees
T10 – Highway safety
T16 – Pedestrian routes
T19 – Parking standards
R13 – Rights of way

Kirklees Draft Local Plan

PLP1 – Presumption in favour of sustainable development
PLP2 – Place Shaping
PLP3 – Location of new development
PLP4 – Providing infrastructure
PLP7 – Efficient and effective use of land and buildings
PLP11 – Housing mix and affordable housing
PLP13 – Town centre uses
PLP15 – Residential use in town centres
PLP19 – Strategic Transport Infrastructure
PLP20 – Sustainable travel
PLP21 – Highways safety and access
PLP22 – Parking
PLP24 – Design
PLP27 – Flood Risk
PLP28 – Drainage
PLP30 – Biodiversity and Geodiversity
PLP32 – Landscape
PLP33 – Trees
PLP35 – Historic Environment
PLP49 – Educational and Health Needs
PLP51 – Protection and improvement of local air quality
PLP52 – Protection and improvement of environmental quality
PLP53 – Contaminated and unstable land
PLP63 – New open space

Supplementary Planning Guidance

Interim Affordable Housing Policy (2016)

West Yorkshire Air Quality and Emissions Planning Guidance (2016)

National Planning Guidance:

National Planning Policy Framework

National Planning Practice Guidance

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application was advertised on site and in the local press as a Major Development. Notification letters were sent to properties within proximity of the site. A total of 13 letters of support have been received and 1 letter of objection. The representations received can be summarised as follows:

Objection

- *19 Whitcliffe road and the houses 21,23 and 25 that back onto George street and houses behind 23 and 25 there are still high walls that have not been cleared from the previous buildings that were on this site and pose a health and safety hazard for new development.*
- *The walls are to the side of the last house on George street and directly behind house number 25 on whitcliffe road. These 2 walls block light into the house on George street and our properties 19 -25 whitcliffe road These would also block light onto the new development. I have no objection to the new development as these need to be removed to develop this area and improve the appearance of wasteland as part of a former industrial building is still there.*

Officer response – these walls are to be lowered as part of the proposed development. There would still be a retaining/wall element but it would be at a much lower level than the current situation.

- *Also to the side of houses 25 and behind 25 – I would like a guarantee that only small trees and bushes will be planted and maintained to be no more than 8 foot in height – again otherwise this will block light into these properties and gardens.*

Officer response – conditions are recommended concerning planting.

Support

- *This site has been an eyesore for many years in the middle of Cleckheaton. I am fully in favour of this development: It will improve the area immediately, building properties of this type - retirement apartments and a nursing home is ideal for access to the shopping area of Cleckheaton, the bus station, doctors and chemist shops. Many older people give up driving so to live in a town centre is ideal for them. Access to Leeds and Bradford is available by bus. This development should go ahead as soon as possible.*
- *This is a well thought-out development which will greatly benefit the local area. The nature of the housing proposed is unlikely to create traffic difficulties*

along Serpentine Road or Northgate and the additional jobs brought to Cleckheaton will be most welcome. Clearly a sensible and effective use of brownfield land and I would support the application on those grounds alone; that it will be an attractive development is a bonus.

- *Very good access to the town centre and shops.*
- *I would like to houses to be offered at an affordable price.*
- *It will provide jobs.*
- *Will benefit older population.*

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Coal Authority – No objection.

Highways – No objection. Further detail contained in the remainder of this report.

8.2 Non-statutory:

Crime Prevention – No objection subject to a planning condition.

Education – A contribution of £29,708 is required.

Officer response – the site is largely for over 55's and therefore, the proposed development would not result in an impact on education facilities.

Biodiversity Officer – No objection subject to conditions.

Landscape – No objection pending submission of areas for bin collection.

Design and Conservation – No objection.

Yorkshire Water – No objection subject to conditions.

Drainage Officer – Final comments to be reported to Strategic Planning Committee as an update.

9.0 MAIN ISSUES

- Principle of development
- Design and Visual Impact
- Residential amenity
- Housing
- Highway
- Drainage
- Biodiversity
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The site lies within an area of unallocated land on the Kirklees Unitary Development Plan (UDP). Policy D2 is relevant for proposals on sites that are unallocated on the UDP:

“planning permission for the development (including change of use) of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”.

- 10.2 The policy above does not preclude residential development on this site. In addition, the Council are unable to demonstrate a 5 year supply of housing land and therefore, a weighted presumption in favour of this development applies, in accordance with paragraph 14 of the National Planning Policy Framework (NPPF). Development should be designed in accordance with the requirements set out in policy D2 of the UDP.

- 10.3 In the emerging Local Plan the site is allocated for housing with an anticipated capacity of 48 dwellings.

- 10.4 There is additional support for residential homes for the elderly when located in urban, well-connected areas as detailed within policy H16 of the UDP. The Kirklees Council Strategic Housing Market Assessment (SHMA) states:

“A major strategic challenge for the Council is to ensure a range of appropriate housing provision, adaptation and support for the area’s older population. The number of people across Kirklees area aged 65 or over is projected to increase by 39,300 from 71,400 in 2014 to 110,700 by 2037 (55.0% increase).”

- 10.5 The applicant has submitted a needs assessment with the application and considers that the scheme – to increase the supply of retirement housing for homeowners – will provide an environment of choice and independence which can be sustained which in turn would avoid or postpone the transfer to expensive registered care. The figures within the SHMA support the case that this type of development is needed and it would also broaden the choice of housing in Kirklees, in compliance with chapter 6 of the NPPF (Delivering a choice of high quality homes).

- 10.6 The NPPF encourages the effective use of land by reusing land that has been previously developed. It is noted that a previous planning permission for a food retail unit has been implemented on the site, but has not been built out.

- 10.7 In principle the redevelopment of this site is considered to represent an effective and efficient use of a brownfield site. The site lies in close proximity of local services and shops and there a large Tesco store in very close proximity of the site. There are numerous bus stops in the area including Serpentine Road.

- 10.8 In order to ensure that the site includes pedestrian links, amendments to the scheme have been made in order to incorporate a 2m wide footway along the eastern side of Serpentine Road. The submitted plans also indicate a

dropped crossing and tactile paving which would assist those wishing to visit the Tesco store on the western side of Serpentine Road. In principle development on this site is acceptable.

Design and Visual Impact

- 10.9 Section 11 of the NPPF sets a wide context to conserving and enhancing the natural environment and requires that valued landscapes are protected and enhanced and requires that the level of protection is commensurate with the status and importance of the landscapes.
- 10.10 Policy BE1 of the UDP requires that all development should be of good quality design such that it contributes to a built environment. Policy BE2 states, amongst other matters, that new development should be designed so that it is in keeping with any surrounding development. Policy PLP24 of the PDLP requires that good design to be at the core of all planning decisions
- 10.11 The site lies in a prominent, central location and includes three distinctly separate elements.

Retirement Apartments

- 10.10 Within the northern-most portion of the site it is proposed to provide retirement living apartments set over three storeys. The building is set back from the surrounding roads and utilises buff/light coloured bricks and elements of render. When viewed from the north of the site the building would sit on a slightly lower level than Whitcliffe Road but it would still have a welcome presence insofar as it would fill in the existing gap between buildings on Whitcliffe Road in a sympathetic manner. Due to the level differences across the site and in relation to existing properties, the roof of the proposed building steps down following the topography of the street and, in terms of massing and scale, would sit comfortably beside existing dwellings on Whitcliffe Road. The building would be fronted by a boundary wall to match the existing boundary wall which runs along Whitcliffe Road.
- 10.11 From Serpentine Road much of the building would be set back and appear behind existing housing. Landscaping would be utilised in order to reduce the impact of the building on Serpentine Road and improve the appearance of the surrounding area.

Care Home

- 10.12 Towards the southern portion of the site in relation to Serpentine Road and on a lower level than the retirement living apartments it is proposed to erect the care home facility which would be a part two and part three storeys in height. A two storey element would face Serpentine Road and has been designed with contrast and detailing and it is considered to have a positive impact on the street scene and acts as a focal point within the site. It is proposed that the building would be constructed from red-russet brick with contrasting render. The scale and massing of the proposed building and the fact it is set back from the road means it would sit comfortably in this urban area and respect the height and design of existing buildings nearby.

Townhouses

- 10.13 The proposal comprises a staggered line of three blocks with a single point of access which includes 8 parking spaces located to the side of one of the houses. In the interests of good design and accessibility parking spaces should normally be positioned within the curtilage of each dwelling. However, after consulting with the Council's highways section, this would not be the preferred layout in this case and could lead to highway safety concerns with cars having to reverse in and out if private driveways were positioned off Northgate. The scheme has therefore, been designed around this constraint.
- 10.14 The proposed dwellings are arranged obliquely to Northgate to create a modelled and varying frontage whilst at the same time all the dwellings are similar in appearance. The dwellings slope gently down towards the north and would be constructed from buff multi-coloured facing brick and white render. Each dwelling would include artificial stone headers and cills with chimney pots to add architectural detail.
- 10.15 The terraced nature and parking layout as proposed means that short sections of alleyway are proposed at either end of the row of terraced in order that rear gardens can be accessed and for bin storage purposes. Whilst some concerns have been raised by the Police Architectural Liaison Officer regarding the nature of the layout proposed, they are satisfied that a condition could be imposed requiring additional measures to be incorporated into the design such as CCTV.
- 10.16 When read together it is considered that whilst the three different elements of the scheme have a different design and appearance, in terms of scale and massing, they would complement each other and would make a contribution to this part of Cleckheaton. In each case each element of the proposal would make a contribution to the street scene and in combination, the wider urban environment. The proposed development is considered to comply with policy BE2 of the UDP and emerging policy PLP24 of the Local Plan.

Residential Amenity

- 10.16 Para 123 of the NPPF indicates that planning policies and decisions should aim to:
- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
 - mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through use of conditions.
- 10.17 Policy BE12 of the UDP provides guidance on appropriate separate distances for dwellings. PLP24 of the PDLP requires developments to provide a high standard of amenity for future and neighbouring occupiers.

Retirement Apartments

- 10.18 The proposed retirement apartments would be arranged in an approximate 'L' shape. Policy BE12 of the UDP guides that an appropriate distance between a habitable room window of a dwelling and the boundary of undeveloped land

is 10.5m. However, this is only a guide and heights of buildings and level difference may dictate that different standards may be considered appropriate.

- 10.19 The western side of the building would face properties on George Street and Whitcliffe Road at a 90 degree angle. The nearest property would be no44 Whitcliffe Road but this sits on a much higher level than the application site and would be well screened. Consequently, there is limited impact on this property. The main impact in respect of the proposed retirement apartments is the impact on the garden of no25 Whitcliffe Road which sits on a lower level than the application site. The proposed development would be approximately 15m from the garden of this property. A combination of boundary fencing and landscaping means that the potential for overlooking would be reduced and given the distance involved, it is not considered that it would result in an unacceptable level of overlooking.

Care Home

- 10.20 The care home would vary between two and three storeys in height with the highest part of the building being towards the rear, away from the street. The main impact is considered to concern the potential impact on existing properties on George Street, the rear gardens of which face the proposed care home site.
- 10.21 The north western most part of the proposed building faces no's 39 – 45 George Street at an oblique angle. The closest part of the building would be 19m from the rear yard and approximately 25m from the rear elevation of the closest dwelling. In addition, the land nearest the rear yard/garden of these properties would comprise a landscaped garden area.
- 10.22 The closest potentially affected properties are no's 21 and 23 George Street as they have relatively open rear gardens which face the application site. The scheme has been amended to remove a first floor terrace which would have been positioned at the closest point to no's 21 and 23. In addition the applicant has committed to providing landscaping and a fence and trellis. Potential overlooking impacts are considered to have been addressed.
- 10.23 The corner of the proposed building lies less than 13m from no21 and the three storey element lies approximately 14.3m away. In respect of potential overbearing impact and overshadowing impact, the applicant has been asked to provide additional information in the form of a complete cross-section and shadow-path analysis information in order to demonstrate the impact on the closest properties on George Street. This information will be assessed and reported to Strategic Planning Committee as an update.
- 10.24 In respect of the potential impact on other properties in the locality, there is considered to be sufficient distance between the proposed building and residential properties to ensure that there would be no unacceptable impacts in respect of residential amenity.

Town houses

- 10.25 The proposed town houses are positioned fronting Northgate. To the north there is a joinery business and yard but this would face the proposed parking area and therefore, there would not be a significant impact on future occupiers in terms of noise and overlooking.

- 10.26 The proposed town houses would not have a significant impact on the amenity of occupiers of nearby properties. In addition, it is not considered that the care home would affect the amenity of occupiers of the town houses.

Housing

- 10.27 In line with the Interim Affordable Housing policy the applicant would be required to provide 20% affordable housing units which would equate to 8 affordable units. The application includes 7no units in the form of 7 x 2 bed townhouses. These units would be provided by Leeds Federated (Registered Social Landlord).
- 10.28 The applicant has submitted additional information detailing the complex requirements of retirement housing and how this has impacted upon the viability of the scheme in order to justify why the full affordable housing requirement has not been provided. This has not been formally assessed, however.
- 10.29 The Strategic Housing team has been consulted on the proposal and raises no objection. They confirm that the tenure split proposed - 54% affordable rent, 46% intermediate tenure – would be representative of the requirements of the area and there is no need to alter the tenure split.
- 10.30 The fact that there is a deficit of affordable housing provided should be factored into the planning balance. However, officers are of the view that there is a distinct advantage in this case in agreeing to a slight reduction in affordable housing provision. Firstly, the proposed affordable housing units form part of the development site and would be delivered quickly. The applicant has confirmed that they would be willing to provide the affordable units prior to 50% of the Retirement Living units being occupied. There are wider benefits associated with the redevelopment of this brownfield site and the potential to provide much needed residential accommodation for older people which are also considered to weigh in favour and in this case, negate the need for affordable housing to be provided strictly in accordance with policy requirements.

Highways

- 10.31 Policy T10 of the Kirklees UDP states that new development will not normally be permitted if it will create or materially add to highway safety issues. Policy PLP21 of the PDLP aims to ensure that new developments do not materially add to existing highway problems or undermine the safety of all users of the network. Para 32 of the NPPF states:

Plans and decisions should take account of whether:

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

- 10.32 Serpentine Road is a single carriageway two-way road approximately 280 metres long connecting to Whitcliffe Road at its north-western end and Northgate at its south-eastern end. Both end junctions are crossroads where vehicles on Serpentine Road give way to vehicles on Whitcliffe Road or Northgate. It runs in a westerly direction from its junction with Northgate for a distance of around 70 metres. It then bends to run in a north-westerly direction for the remainder of its length to its junction with Whitcliffe Road.
- 10.33 The Retirement Living housing development proposal will be served by a vehicular access onto Serpentine Road approximately 20 metres to the north of the existing Tesco egress. It will incorporate on-site car parking for around 30 vehicles and turning space to enable all vehicles anticipated to use the site to enter, turn and leave in a forward gear.
- 10.34 The Care Home of the mixed use proposal will be served by a vehicular access onto Serpentine Road approximately 40 metres to the west of its junction with Northgate. It is proposed to include car parking for around 25 vehicles.
- 10.35 The proposed town houses would be served by a vehicular access onto Northgate located towards the northern extreme of its frontage onto this road.
- 10.36 It is noted that the site has planning permission for the erection of a food store (ref – 2009/91958) and that planning permission has been implemented. Therefore, traffic generating uses have previously been accepted on this site and there are no concerns with regards the impact the development may have on the highway network in capacity terms.
- 10.37 Kirklees Highways DM initially raised concerns regarding visibility splays. The applicant has commissioned a speed survey which demonstrates an 85th %ile speed of 14.5mph for vehicles approaching the care home and retirement apartments' site from the west on Serpentine Road. On this basis the vehicular visibility splays proposed at each access on Serpentine Road are considered to be in line with Manual for Streets guidance.
- 10.38 Kirklees Highways DM also welcomes the introduction of footways along the frontage (Serpentine Road). The site is considered to be safe for the movement of pedestrians and vehicles and the submitted information has not raised any concerns with regards the speed of vehicles on Serpentine Road. Therefore, it is likely that crossing Serpentine Road would be safe for pedestrians.
- 10.39 Overall the application is considered to comply with policy T10 of the UDP subject to conditions requiring a scheme of off-site highway works including lighting and footway details.

Drainage

- 10.40 The site lies within Flood Zone 1, which indicates a low risk from river flooding. Given the scale of development the applicant has produced a Flood Risk Assessment (FRA).
- 10.41 In order to comply with West Yorkshire Combined Authority Guidance for SUDS the applicant has produced additional information to demonstrate that soakaways are not feasible on this site. It is likely that the only feasible option

for draining surface water would be into the combined sewer and therefore, a condition is recommended requiring full details of surface water drainage.

- 10.42 Yorkshire Water raises no objections to the scheme subject to conditions. One of the conditions relates to ensuring there is sufficient stand-off/mitigation of the proposed access so that one existing Yorkshire Water infrastructure is not adversely affected.
- 10.43 Overall there is sufficient information to ensure that the application has been considered against sustainable urban drainage techniques. Conditions are recommended in order to ensure that the site is drained in accordance with policy and West Yorkshire Combined Authority Guidance.

Biodiversity

- 10.44 The NPPF recognises that applications should conserve and enhance biodiversity, valued landscapes, minimise impacts and recognise the benefits of ecosystems. UDP policy EP11 requires that application incorporate landscaping which protects/enhances the ecology of the site. Emerging Local Plan policy PLP30 states that the Council will seek to protect and enhance the biodiversity and geodiversity of Kirklees, including the range of international, national and locally designated wildlife and geological sites, habitats and species of principal importance and the Kirklees Wildlife Habitat Network.
- 10.45 The applicant has submitted a bat survey which did not reveal any bat presence within existing buildings. Details have been submitted by the applicant detailing bat and bird boxes to enhance biodiversity. The Council's ecologist recommends conditions requiring the development to be carried out in accordance with the enhancement measures and further details of lighting within the site. The application is considered to comply with policy EP11 of the UDP.

Other Matters

- 10.46 Environmental Health has assessed the proposal in respect of a number of potential issues. Whilst the applicant has provided a contaminated land report, conditions are recommended in respect of ensuring implementation of the remediation and the submission of a validation report.
- 10.47 In respect of noise, Environmental Health have assessed the proposal and consider that the existing Tesco store may be a source of unacceptable noise unless a condition is imposed requiring the submission of a report and appropriate mitigation measures. The applicant has commissioned a noise report and comments from Environmental Health will be reported as an update.
- 10.48 The proposed development has been assessed in accordance with the West Yorkshire Low Emissions Strategy Planning Guidance. There is a requirement for the applicant to incorporate 1 charging point with each dwelling or 1 charging point per 10 spaces. A travel plan is also required. These requirements could be secured by condition.

11.0 CONCLUSION

- 11.1 The proposed development would bring a large, derelict brownfield site back into use and the appropriate re-use of brownfield sites is supported by the NPPF. In addition, the site lies in a prominent central location on a site unallocated on the UDP. The use of the site, which would address a range of different housing needs, is considered to represent a beneficial use of the land for residential purposes.
- 11.2 The design of the scheme means it would make a positive contribution to the street scene and be appropriate in context of the local area. The massing of the buildings would be broken up by design.
- 11.3 The applicant is providing 7no townhouses as affordable units and whilst this is slightly short of the requirement set out in planning policy, the conflict with policy in this case is considered to be outweighed by the wider benefits associated with the regeneration of the site and the fact that the affordable units would be provided at an early stage of the wider development of the site.
- 11.4 Subject to the provision of additional detail in respect of the impact on residential amenity (to be reported as an update); the application complies with policies relating to residential amenity. All other matters have been adequately addressed.
- 11.5 Overall the proposal constitutes a sustainable form of development, and it is therefore, recommended that planning permission is granted subject to the following

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

1. 3 years
2. Approved plans
4. Phasing plan
5. Buggy store elevations
6. Materials
7. Elevations of substation
8. Yorkshire Water condition to ensure protective measures submitted to ensure existing infrastructure not adversely affected.
9. Full drainage details.
10. Lighting Strategy
11. Landscaping for each phase to be submitted before each phase occupied and planted no later than first planting season following occupation of first unit.
12. Boundary treatment for each phase to be provided and implemented prior to occupation of any phase.
13. Occupation of Retirement Apartments and Care Home limited to over 55's.
14. Bin collection details for each phase of development.
15. Parking to be implemented prior to occupation
16. Highway works along Serptentine Road to include footway lighting and other works required to facilitate safe ped access

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f91677>

Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 05-Oct-2017

Subject: Planning Application 2017/91208 Outline application for erection of industrial development of up to 3684 sqm B1c/B2/B8, with means of access (to, but not within, the site) from Colnebridge Road Land adj, Colnebridge Waste Water Treatment Works, Colnebridge Road, Bradley, Huddersfield

APPLICANT

Keyland Developments
Ltd

DATE VALID

13-Apr-2017

TARGET DATE

13-Jul-2017

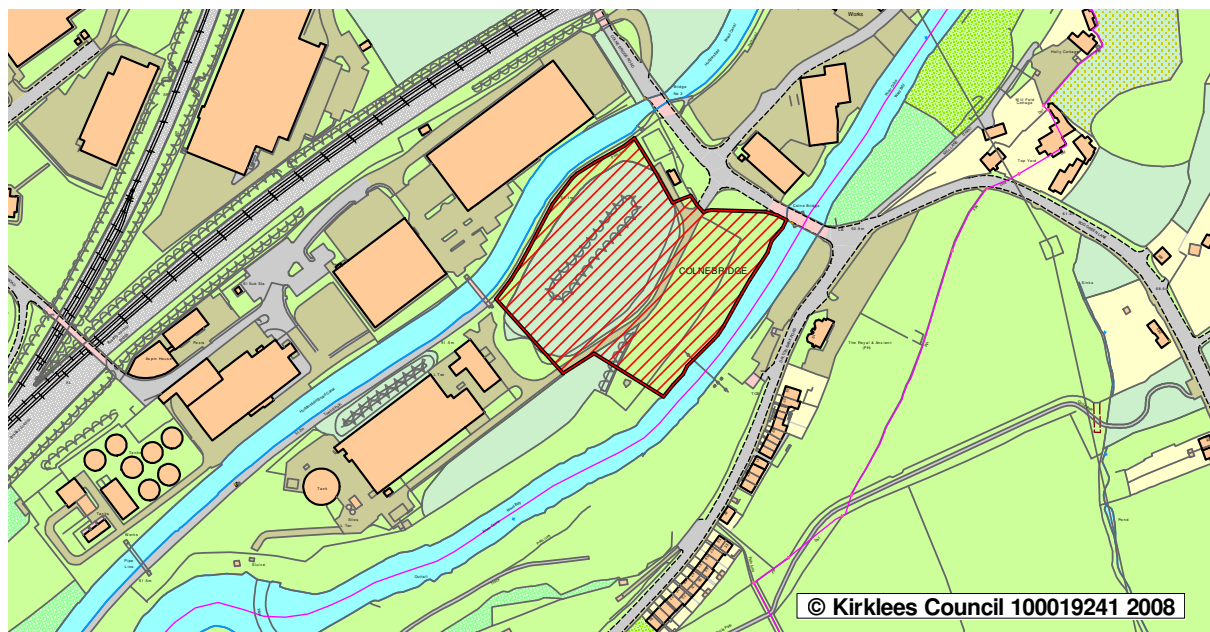
EXTENSION EXPIRY DATE

09-Oct-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:

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

1.0 INTRODUCTION:

1.1 The application is referred to Strategic Planning Committee on the basis that it involves non-residential development on a site of over 0.5ha in area.

2.0 SITE AND SURROUNDINGS:

2.1 The site lies approximately 4.5km north east of Huddersfield town centre in an area of mainly industrial uses. Access to the site is existing, taken via Colne Bridge Road.

2.2 The site sits to the east of the Yorkshire Water Waste Water Treatment Works (WWTW) at Colne Bridge. The site currently comprises trees, grass and vegetation along with a couple of buildings and the main access to the WWTW.

2.3 Immediately to the south of the site lies the River Colne with the Huddersfield Broad Canal lying to the north.

3.0 PROPOSAL:

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

3.2 The proposed development seeks to redevelop the site for B1c/B2/B8 industrial uses. The application is submitted in outline with all matters reserved except for means of access and seeks to secure planning permission for up to 3684m² of industrial floorspace.

3.3 Access to the site would be from the existing WWTW access point located off Colne Bridge Road. In order to facilitate the development it is proposed to widen the access road to allow two way traffic flows and increase the radii to facilitate HGV movements.

3.4 The application has been accompanied by a revised indicative layout in order to ensure buildings do not encroach into an area of trees covered by a Tree Preservation Order.

- 3.5 The submitted indicative layout indicates up to 9 industrial units ranging in size. It is anticipated that the scheme would provide approximately 69 car parking spaces with 10 bays for service vehicles.
- 3.6 In order to facilitate the development a large area of trees (category B and C) are to be removed and these lie close to the canal side.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 There are no historical applications of direct relevance to the proposed development. There are a number of consents from the early to mid 1990's relating to works to the sewage treatment plant.
- 4.2 A strip of land within the site is subject to a Tree Preservation Order (TPO 13/17/w1) which was served on 13th June 2017.

5.0 PLANNING POLICY:

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

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

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

Emerging Local Plan policies:

- PLP1 – Presumption in favour of sustainable development
- PLP3 – Location of New Development
- PLP4 – Providing Infrastructure
- PLP7 – Efficient and effective use of land and buildings
- PLP8 – Safeguarding employment land and premises
- PLP19 – Strategic transport infrastructure
- PLP20 – Sustainable Travel
- PLP21 – Highway safety and access
- PLP22 – Parking
- PLP23 – Core walking and cycling network
- PLP24 – Design
- PLP27 – Flood Risk
- PLP28 – Drainage
- PLP30 – Biodiversity and Geodiversity
- PLP31 – Strategic green infrastructure
- PLP32 – Landscape
- PLP33 – Trees
- PLP34 – Conserving and enhancing the water environment
- PLP35 – Historic Environment
- PLP48 – Community facilities and services
- PLP51 – Protection and improvement of local air quality
- PLP52 – Protection and improvement of environmental quality
- PLP53 – Contaminated and unstable land

Supplementary Planning Guidance / Documents:

- 5.4 West Yorkshire Low Emissions Strategy (2016)

National Planning Guidance:

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

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been advertised in the press, by site notice and by neighbour letter as a Major Development. No representations have been received.

7.0 CONSULTATION RESPONSES:

7.1 Statutory:

K.C Highways DM – No objection subject to conditions.

Environment Agency – No objection subject to conditions following the submission of a revised Flood Risk Assessment.

Canal and Rivers Trust – At the reserved matters stage, we would request that the developer demonstrates that the final proposed development will have no adverse loading impact on the canal infrastructure (i.e. towpath retaining wall or canal washwall), utilising cross sectional information showing the depth of foundations in relation to the canal infrastructure. If the final plans are likely to require any works within 10m of the towpath retaining structure

then we would recommend the assessment takes the form of an investigation of the condition of the towpath retaining structure and waterway wall, a detailed foundation design, a construction methodology (for all construction activities within 10m of the water's edge) and an assessment of any retaining or waterway wall strengthening works that may be needed.

In addition to the above, low-level leakage/seepage from the canal is common within embankment arrangements such as that shown. We would therefore request that the developer provides information to demonstrate that drainage systems will be installed at the toe of the retaining structures to deal with any seepage as it occurs.

We appreciate that the scheme is outline at present, with the layout a reserved matter. However, looking at the indicative layout shown, we do have concerns that the rear service areas of the business units would be on show, and that there would be pressures for the installation of tall solid fencing to the rear boundary with the canal.

We would therefore recommend that, when the layout is developed, the impact upon the waterway is considered. Design considerations may include a combination of enhancing the existing and providing additional planting to form a natural vegetated buffer to the canal and designing the units and layout so they positively address the canal.

Boundary treatments should be sympathetic to the canal side environment. Due to the outline nature of the application, we are unaware of whether a new boundary treatment to the existing paladin fencing will be proposed when the scheme is developed further. An example of a positive treatment would include a dwarf stone wall with railings above to provide both security and views.

We would recommend that any final scheme retains a significant proportion the mature vegetation on the canalside boundary (which enhances the existing green corridor), and utilises additional planting, to soften the appearance of the development, and to shield views of parking and service areas. We would recommend that supporting information includes information on planting species and the density of planting within any 'buffer'.

Within the indicative plans, Unit 2 is in close proximity to the towpath, and there would be insufficient space for a vegetated "buffer" to be effective. Unless the unit is designed to directly engage with the canal towpath through an active or open frontage, we believe this unit should be setback further from the canal.

Careful landscaping will also be required in this case.

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

7.2 **Non-statutory:**

West Yorkshire Archaeology Advisory Service – no requirement for any further works of planning conditions.

Conservation and Design - No objection in principle but request that there is sufficient space between the buildings, the canal and the river to ensure that there is adequate boundary treatments to screen the buildings.

K.C Environmental Health – To be included within the committee update.

West Yorkshire Police Architectural Liaison Officer – No objection subject to conditions

K.C Ecology and Biodiversity Officer – *In relation to the revised indicative layout, I note that the required standoff from the River Colne is included. However, the layout would still represent a significant impact to the local green infrastructure resource and proposed structures remain very close to the adjacent Local Wildlife Site.*

Although the layout is indicative only, the development as proposed is likely to result in significant impact to biodiversity unless mitigation is included in the design. Based on the submitted layout the most effecting means of mitigating impacts to green infrastructure would be through the use of a green roof on Unit 1 (shown on the revised indicative layout) coupled with appropriate native landscape planting. This would provide mitigation for the loss of existing immature woodland and would represent adherence to the mitigation hierarchy set out the in NPPF. Without this mitigation the development would not comply with the policies of the NPPF.

K.C Arboriculturist – *No objection in principle. I agree that the river frontage area is valuable and should not be included in the development; it forms part of the Local Wildlife Network and provides high public amenity value. For this reason a new TPO has been served to protect the river side woodland strip. With this in mind, I have no objection to the principle of development on this site but I could not support any layout that extends past the current boundary fence in to the river frontage area. Therefore the current indicative layout is not something that I could support.*

I believe that any proposal which does not retain the trees/woodland strip along the river frontage, would not meet UDP policy NE9 'mature trees to be retained' and BE2 'existing trees to be incorporated as an integral part of the design'.

Yorkshire Water – No objection subject to conditions.

8.0 MAIN ISSUES

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

9.0 APPRAISAL

Principle of development

- 9.1 The site is without notation on the UDP Proposals Map and currently consists part of the land associated with the WWTW. Policy D2 is relevant for applications on land without notation and states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”. The site remains unallocated in the emerging Local Plan. These considerations are addressed later in this assessment.
- 9.2 The site is populated by a range of vegetation which is mainly located along the site boundaries, but a large proportion of the northern part of the site is populated by trees. The site is largely ‘green’ although there is an access road which runs through the site which provides access for the wider WWTW. It is not considered to represent a brownfield site given its appearance as an area of green space.
- 9.3 It is acknowledged that the site is not allocated for employment purposes in the current or emerging Local Plan. However, over time large areas of previous employment land in Kirklees have been developed for other purposes, mainly housing. Some of the reasons for this are the unsuitability of former employment sites to accommodate large vehicles or prohibitive costs of redevelopment. In this regard, there is a shortage of employment land which the emerging Local Plan is intending to address. As it stands the site lies in close proximity to other industrial type uses and therefore, the redevelopment of this site for industrial purposes would not represent a significant departure from uses in the surrounding area. There is no in principle reason to resist the use as proposed in this location given that it would provide up to 80 additional jobs in order to support growth in Kirklees.
- 9.4 One of the core principles of the NPPF is to proactively drive and support sustainable economic development. Given the proposed development does not conflict with the current allocation or the emerging allocation, the principle of development is considered potentially acceptable and in compliance with D2 of the current UDP.

Design and Visual Impact

- 9.5 The design of the development and its impact on amenity is a material consideration. Given that the proposal seeks outline permission with specific design details reserved, a full assessment would be carried out with any subsequent reserved matters submissions. However, a broader assessment in relation to the principle of the development has been considered. This includes crime prevention, residential amenity, land contamination, and the impact of the development on the Huddersfield Broad Canal and other sensitive receptors.
- 9.6 In respect of the potential impact on Huddersfield Broad Canal, the proposed development would be positioned close to the canal and the Canal and Rivers Trust are keen to ensure that suitable landscaping and other mitigation

measures are fully considered and incorporated at reserved matters stage. Whilst the height of the buildings relative to the canal means they would be visible from the canal side, landscaping details at reserved matters stage would be considered with a view to ensuring the impact on the canal side environment was reduced as far as possible. An alternative measure may be to ensure that the buildings have a more attractive appearance when viewed from the canal.

- 9.7 Overall the Canal and Rivers Trust consider that there is scope within the proposal to improve the layout of the scheme so it has a better relationship with the watercourse. This would be a matter to consider at reserved matters stage. The proposed development is considered to comply with policy R18 of the UDP in this regard and policies PLP31 and PLP32 of the emerging Local Plan.
- 9.8 The significant loss of trees proposed which lies close to the canal means that the existing character of the site would be affected. However, views of the site from the main road are generally limited and the woodland area is not publicly accessible. When considered in context of other surrounding developments, the proposal would not appear prominent. The proposed development is potentially acceptable in design and visual impact terms and the current application is considered to comply with policies BE2 of the UDP and PLP24 of the emerging Local Plan.
- 9.9 In respect of crime prevention, historically the industrial units situated alongside the Leeds Road corridor have experienced a variety of crime and anti-social behaviour. However, the reserved matters stage would provide an opportunity to incorporate crime prevention measures.

Heritage Assets

- 9.10 In accordance with the statutory duty set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA), special regard must be paid to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they may possess. Policies BE1 and BE2 of the UDP focus on good quality design. Chapter 7 of the NPPF focuses on good design, chapter 12 relates to heritage assets. The application has been advertised as affecting the setting of a listed building.
- 9.11 Colne Bridge lies just beyond the north eastern boundary of the site and comprises a Grade II listed bridge constructed early/mid-18th Century. The proposed development has the potential to impact on the setting of the listed building by virtue of the scale of the development proposed and its close proximity and the fact that the setting of Colne Bridge is considered to include at least part of the application site.
- 9.12 The application has been submitted in outline form with all matters reserved, except access. The precise impact on the heritage asset is therefore, not fully understood at this stage.
- 9.13 The indicative layout plan demonstrates a reduction in the impact on the setting of Colne Bridge as it shows a buffer between the bridge and the position of the building in the north eastern corner of the site. In addition, further to comments provided by the Council's arboriculturist, the belt of trees

adjacent to the river is protected which in turn would screen views of the site from the bridge.

- 9.14 The Council's Design and Conservation Officer has been consulted on the proposed development and raises no objections, subject to careful consideration of the siting of buildings at reserved matters stage. Given the potential impact, which is considered to be less than substantial in NPPF terms, the full impact on the heritage asset would be required through the reserved matters submissions.

Residential Amenity

- 9.15 The site is located in an area largely populated by industrial uses. The closest residential properties lie at a distance of 260m from the south eastern corner of the site. Policy D2 and EP6 of the UDP, PLP24 of the emerging Local Plan and chapter 11 of the NPPF require the impact on amenity to be considered.
- 9.16 The applicant has commissioned a noise report which has been submitted for consideration, Environmental Health are in the processing of assessing the report and an update will be provided to planning committee.
- 9.17 Given the proximity of the site to residential properties, there is no reason in principle why this type of use should present an unacceptable impact for existing occupiers.

Contaminated Land

- 9.18 The application has submitted a Phase I contamination report. Comments from Environmental Health are awaited in order to ascertain whether the proposal would comply with policy G6 and Policies in the NPPF. An update will be provided to committee.

Ecology/Trees

- 9.19 The site is situated between a railway line and the Huddersfield Broad Canal, both of which are considered to function as wildlife corridors. The application has been revised in order to take into account the initial comments from the Council's biodiversity officer.
- 9.20 The canal to the north west of the site comprises a Local Wildlife Site while the tree belt to the south/east within the site boundary forms part of a wider Wildlife Habitat Network.
- 9.21 Given the close proximity of the site to the Local Wildlife Site there are concerns that the details shown on the indicative layout would result in significant impacts to biodiversity unless mitigation is incorporated into the design. The Council's ecologist has suggested a green roof and appropriate native landscaping may provide the necessary mitigation to offset harm. These matters would be required as part of any subsequent reserved matters in order to comply with the requirements of the NPPF.
- 9.22 In respect of existing trees, there is a large group of woodland within the western portion of the site close to the canal. These trees comprise category B and C and would all need to be removed to make way for the proposed

development. There is a further belt of trees on the eastern boundary of the site. Following consultation with the Council's arboriculturist, it was concluded that these trees were of sufficient valued to be protected by a Tree Preservation Order (TPO). A TPO has therefore, been served on these trees and the indicative layout has been amended to ensure the retention of these trees. It is considered that the removal of the trees closest the canal is acceptable in this case on the basis that the trees closest to the river are protected. The proposal is in compliance with policy NE9 of the UDP.

Highways

9.23 The main premise of policy T10 of the Kirklees UDP is to ensure that new development does not create or materially add to highway safety problems and does not generate vehicular movements that cannot be served by the existing highway network.

9.24 The NPPF, in paragraph 32, requires that decisions should take account of whether:

- safe and suitable access to the site can be achieved for all people; and;
- improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development.

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

9.25 In terms of access, this will be taken from the existing WWTW access point off Colne Bridge Road. The proposal includes improvements to the existing access road and junction including widening of the access road to allow two-way traffic and increase radii to facilitate HGV movements.

9.26 The applicant has provided visibility splays of 2.4m x 43m in accordance with the 30mph speed limit on Colne Bridge Road. The site access also includes a 2m wide footway on the northern side and a dropped crossing with tactile paving will be provided along Colne Bridge Road in order to cross the carriageway.

9.27 The proposed development is anticipated to generate 26 two-way trips during the AM peak with 24 movements during the PM peak. On a typical day the development is anticipated to generate 15 two way HGV movements between 0700 and 1900.

9.28 In respect of the impacts on the wider network, the submitted details show that the impact of the proposed development on A62 Leeds Road/Bradley Road/Colne Bridge Road signalised crossroads junction would be minimal and not severe in NPPF terms.

9.29 In respect of parking, this is a reserved matter but there is sufficient room within the site to ensure that parking spaces are provided in accordance with planning policy.

9.30 Highway DM has assessed the proposed development and raises no objections. Planning conditions are proposed to mitigate potential harm. The application is considered to comply with policy T10 of the UDP and emerging Local Plan policies PLP20, PLP21, PLP22 and PLP23.

Drainage/Flood Risk

- 9.31 The site lies within Flood Zone 3 and proposes a use which is 'less vulnerable' according to the NPPF and therefore, no exception test is required.
- 9.32 The applicant proposes to raise the finished floor levels so they are at least 150mm above existing ground level in order to mitigate against localised flooding caused by heavy rainfall.
- 9.33 The Environment Agency has been consulted on the proposal and raises no objections, subject to the imposition of appropriate conditions.
- 9.34 In respect of surface water drainage, Planning Practice Guidance aims to ensure discharge surface runoff is as high up the hierarchy as possible:
- into the ground (infiltration);
 - to a surface water body;
 - to a surface water sewer, highway drain, or another drainage system;
 - to a combined sewer.
- 9.35 The submitted FRA discounts infiltration for geological reasons but the scheme proposes to discharge into the River Colne with a restricted discharge rate of 4.3 litres/second (meaning attenuation would be provided within the site). The Council's Principal Engineer (Flood Management and Drainage) is broadly satisfied with the proposals but points out that the historic plans show a mill race crossing the site. As part of the layout it will be imperative to identify whether the mill race continues as a culvert as this could be a major constraint to the site layout.
- 9.36 As a result of the above, planning conditions are recommended that require details to be submitted with subsequent reserved matters (layout) in order to ensure that drainage details are satisfied as part of the layout.

10.0 CONCLUSION

- 10.1 The site comprises a partially previously developed parcel of land which is unallocated on the Unitary Development Plan. The proposal would result in the formation of approximately 80 full time jobs within an area characterised by employment generating uses.
- 10.2 Potential impacts on the highway network have been assessed and found acceptable. The scheme also proposes to provide alternative pedestrian links with the greenway which runs in close proximity of the site. The potential drainage impacts have been considered and, subject to appropriate planning conditions, are considered acceptable in principle.
- 10.3 In terms of design and appearance; it is acknowledged that there would be some impact on the character and appearance of the area based on the scale of the development and the loss of existing trees, particularly when viewed from the canal side. However, it is considered that a carefully designed scheme with appropriate landscaping could acceptably mitigate potential impacts. Similarly, the impact on the closest heritage asset – Colne Bridge – is considered to be less than substantial in NPPF terms and the potential for this scheme to generate employment opportunities is a public

benefit which is considered to outweigh the relatively minimal harm in principle. The impact on the setting of the listed bridge could largely be addressed at reserved matters stage.

10.4 All other matters have been adequately addressed. The proposed development is considered to represent sustainable development and is therefore, recommended for approval subject to the conditions detailed below.

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

- 1. Standard condition outlining all reserved matters to be submitted.**
- 2. Reference to approved plans**
- 3. Reserved matters to be submitted within 3 years and development commenced within 2 years of final reserved matters.**
- 4. Drainage conditions covering details of existing culverts within the site to be submitted with Reserved Matters (Layout).**
- 5. Foul and surface water drainage. To be submitted with Reserved Matters (Layout)**
- 6. Contaminated land conditions**
- 7. Noise report**
- 8. Ecological enhancement measures to be incorporated into landscaping**
- 9. Boundary treatments**
- 10. Cycle parking.**
- 11. Finished floor levels to be raised in accordance with FRA**
- 12. Landscaping scheme shall include trees to be retained**

Informatives

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

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

Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 05-Oct-2017

Subject: Planning Application 2017/90955 Outline application for residential development. Land at, Forest Road, Dalton, Huddersfield, HD5 8EU

APPLICANT

Diocese of Leeds

DATE VALID

16-Mar-2017

TARGET DATE

11-May-2017

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected:

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION:

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

1. To provide as a community benefit five x 3 bedroom affordable housing units.

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

1.0 INTRODUCTION:

- 1.1 The application is brought to Strategic Committee as the development proposed represents a departure from the Council's Unitary Development Plan (UDP).
- 1.2 The application is on a site which is part of a substantial area allocated as Urban Greenspace on the UDP.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site relates to an area of land equating to approximately 0.18ha located off Forest Road. Land levels within the site rise sharply from the road frontage in a southerly direction towards the rear of the site. A number of trees that form part of a wider woodland hang over the rear of the application site. The site is bordered by residential properties and roads to three sides with woodland to the rear along the southern boundary. The woodland is designated as a wildlife habitat network on the Publication Draft Local Plan. A stone wall bounds the site to the front along the road with a stone walling separating the site from the woodland area to the rear.
- 2.2 The site is currently used as grazing land, accommodating a number of dilapidated structures

3.0 PROPOSAL:

- 3.1 The application is submitted in outline seeking the principle of development for nine dwellings with details of layout and access to be considered at this stage. Appearance, scale and landscape are matters reserved for later consideration.
- 3.2 The proposed layout indicates four pairs of semis and one detached dwelling. Five vehicular access points are to be provided onto Forest Road. Whilst scale and appearance is a reserved matter the submitted details include a floor plan specifying the dwellings to be three storey with an integral garage for each dwelling.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 None relevant

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Officers have raised concerns relating to the principle of residential development on an area of Urban Green Space for residential as it would conflict with Policy D3 of the UDP and advice in the NPPF. In light of this, the applicant has made further submissions and offer of a community benefit in the form of five affordable housing units. The principle issue to determine is whether the offer of additional affordable housing, also at a time when the Council is unable to demonstrate a 5 year housing land supply outweighs the loss of this part of the wider area of Urban Greenspace.
- 5.2 Revised tree survey - received 06/07/17
Revised planning statement - received 01/09/17
Revised design & access statement – received 01/09/17
Agreement to amend description & extension of time

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.

The site is Urban Green Space on the UDP Proposals Map and on Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

D3 – Urban Greenspace
BE1 – Design principles
BE2 – Quality of design
BE12 – Space about buildings
EP11 – Ecological landscaping
NE9 – Retention of mature trees
T10 – Highway safety
T19 – Parking standards
H10 – Affordable housing
H12 – Arrangements for securing affordable housing

Kirklees Publication Draft Local Plan (PDLP):

PLP1 – Presumption in favour of sustainable development
PLP 2 – Place Shaping
PLP 21 – Highway Safety and Access
PLP 22 – Parking
PLP 24 – Design
PLP 30 – Biodiversity & Geodiversity
PLP33 - Trees
PLP61 – Urban Greenspace

National Planning Guidance:

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

Other Documents:

Kirklees Playing Pitch Strategy & Action Plan September (2015) – Part of the Evidence Base for the Publication Draft Local Plan

Kirklees Open Space Study 2015 (revised)

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Three representations are received from local residents. A summary of their concerns is provided below:

- Existing highway safety, traffic congestion and lack of parking spaces on Forest Road, which will be exacerbated on a bend
- Previous permission together with this application will increase highway safety concerns
- Green belt land
- Loss of light to no. 56 Forest Road
- Adverse impact on bats, owls and other wildlife and their habitat on adjacent sites
- Is utilities infrastructure equipped for additional development
- Drainage issues from wooded area to the south

None planning matters

- Loss of view

Ward Councillors were informed of the application/proposals. No comments are received to date.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C Highways Development Management – support subject to conditions

Forestry Commission – Standing Advice, to be included as an advisory note

8.2 Non-statutory:

K.C Environmental Services – support subject to conditions

K.C Arboricultural Officer comments – support principle and layout subject to further information

K.C Ecology - support subject to a condition to require enhancement measures including bat and bird boxes.

K.C Strategic Drainage – support subject to condition

9.0 MAIN ISSUES

- Principle of development & Planning Balance
- Urban design issues
- Residential amenity
- Highway issues
- Landscape/Trees & ecological issues
- Representations
- Other matters

10.0 APPRAISAL

10.1 Principle of development:

The starting point for consideration is the Kirklees Development Plan which is the Kirklees UDP. The site is identified as Urban Greenspace on the Kirklees Unitary Development Plan and is on the western edge of a larger Urban Greenspace (UGS) allocation. It forms an integral part of a larger area of UGS categorised as natural and semi-natural greenspace in the Kirklees Open Space Study 2015 (revised). The majority of which is woodland. The application site alone has been assessed independently from the larger UGS in the Kirklees Open Space Study (KOSS) and has been identified as having low value open space but is recognised as an integral part of the wider UGS. The KOSS also identifies there being sufficient provision of natural and semi natural greenspace in the Almondbury Ward when compared against minimum local standards of 2ha per 1,000 people for natural and semi natural greenspace.

10.2 The application site is retained in the Publication Draft Local Plan for UGS. The site adjoins an area of the Kirklees Habitat Network to the south as

designated on the publication draft local plan. This could be impacted on particularly through the process of engineering works and introduction of retaining structures within the application site to accommodate the proposals on this sloping site. The Local Plan policies can now be afforded considerable weight but will not carry full weight until the local plan is adopted and consequently Policy D3 of the UDP is a key consideration in this case.

- 10.3 Policy D3 sets out at part (i) that on Urban Greenspace sites planning permission will not be granted unless the development is necessary for the continuation and enhancement of the established uses or is a change of use to alternative open land uses, or would result in a specific community benefit (whilst protecting visual amenity, wildlife value and opportunities for sport and recreation). Or, as in part (ii), it includes an alternative provision of Urban Greenspace equivalent in both quantitative and qualitative terms to that which would be developed.
- 10.4 The community benefit element of the policy is not considered to be consistent with the considerations of the National Planning Policy Framework, particularly paragraph 74. However, the majority of the policy is in accordance with the National Planning Policy Framework. As such Policy D3 should be afforded significant weight as it is not out of date for the purpose of paragraph 49 of the NPPF which sets out:

“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the LPA cannot demonstrate a five year supply of deliverable housing sites”

- 10.5 The NPPF identifies the dimensions of sustainable development as economic, social and environmental roles. These roles are highlighted as being mutually dependant and not to be taken in isolation. It is recognised that there are economic, environmental and social benefits to developing this site and as such the development is sustainable having regard to the NPPF. However, the loss of this part of the wider area of UGS is an important factor to be weighed against this taking into account the Council's current position on housing supply of being unable to demonstrate a 5 year supply of land for housing. Officers have highlighted these in the planning balance below.

Planning Balance:

- 10.6 The proposals are for residential development where no alternative provision of greenspace is included within the scheme. The proposals would not be a continuation, enhancement of established uses nor an alternative open land use and would not provide any opportunities for sport and recreation. With regards to visual amenity and wildlife value, the application site although forming an integral part of the larger area of UGS, due to the topography and the obvious physical separation from the wider area of UGS, it is reasoned that it is viewed separately from the larger area of UGS but more importantly due to its current condition officers are of the opinion it holds limited amenity and wildlife/ecological value.
- 10.7 The applicant states in the supporting statement that the Council cannot currently demonstrate a five year housing land supply and this should weigh in favour of the submitted proposals. The applicant also states the site can be removed from the UGS without harming the overall function of the greenspace

and contends that little weight can be given to the allocation of the application site in the context of the NPPF. A number of planning references are quoted by the applicant where the applicant claims permission for residential development has been granted by the Council on other UGS sites for residential development due to the lack of a five year housing land supply.

- 10.8 Undeniably, the Council has historically on occasions approved developments on UGS sites where it has been demonstrated that the loss of the UGS is outweighed by the benefits of a specific replacement community scheme. Furthermore, and more recently an appeal decision at land Off White Lee Road Batley (15/92944) was dismissed on UGS where the Inspector concluded amongst other matters that Policy D3 is not out of date for the purposes of paragraph 49 of the NPPF. Importantly the Inspector's opinion was that Policy D3 allows flexibility of the decision maker to consider the merits of a case particularly if community benefits are deemed to exist.
- 10.9 The scheme will deliver nine new dwellings at a time of general housing need when the Council does not have a 5 year supply of deliverable housing sites. This is not an accepted justification to permit such development on an area of UGS, nor does this set a precedent for the development on areas of UGS. The proposals are for nine open market dwellings which falls below the threshold for seeking any planning gains, however the applicant has put forward an offer of 5 affordable units as a community benefit to accord with Policy D3 (i).
- 10.10 The Strategic Housing Market Assessment identifies a clear need for affordable 1- 2 bedroom homes and a greater need for affordable 3+ bedroom properties and affordable 1-2 bedroom homes for older people, specifically in the area of Huddersfield south.
- 10.11 Reflecting on paragraph 14 of the NPPF, development should be granted unless any adverse impacts significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF. Provided there are no significant and demonstrable adverse impacts that can be evidenced and substantiated and which outweigh the benefits when assessed against the policies in the framework taken as a whole, the principle of developing this site can be considered to be acceptable.
- 10.12 The site is sustainably located being close to a number of local services and facilities and could provide local construction, employment opportunities. Officers are of the opinion due to the current low amenity value of the site, which has been recently assessed as low value open space in the KOSS together with the fact there is sufficient open space without the application site in the area, the proposals would bring social, economic and environmental benefits. Furthermore, in view of the identified affordable housing need in the area Officers advised the applicant in order for a specific community benefit to be accepted, the offer would need to be increased. Consequently the applicant has agreed to offer five of the proposed (3 bedroomed) dwellings as affordable housing alongside enhancing biodiversity interests (bat/bird boxes) and landscape enhancements with a range of native trees and shrub planting within the site.
- 10.13 The principle of developing this part of the UGS together with the community benefits put forward is considered would outweigh the harm caused by the loss of this low valued part of the wider UGS in an area where there is

currently sufficient provision of natural and semi natural greenspace, in accordance with Policy D3 of the UDP. Should Members be minded to accept Officers recommendation, given layout is now a matter for consideration, it is considered appropriate and reasonable to seek the offer of community benefit of five (3 bedroom) dwellings through a formal S106.

10.14 **Urban Design issues:**

Proposals for new development should respect the architectural qualities of surrounding development and their materials of construction with particular regard also given to local identity and the topography of the site and surroundings to conserve and enhance the natural environment, in accordance with section 11 of the NPPF.

10.15 Also of relevance is UDP Policies are BE1 and BE2 state that the layout of buildings should respect any traditional character the area may have. Infill development must respect the scale, height and design of adjoining buildings and be in keeping with the predominant character of the area. The characteristic and appearance of the area, the proposed layout represents a row of dwellings which would be in keeping with the urban pattern of development on both sides of the road. This would preserve the visual amenity of the street scene and in the opinion of officers not cause harm to the character or appearance of the surrounding area.

10.16 Given the sloping nature of the site, extensive engineering operations would be required to accommodate the proposed nine dwellings together with the requirement of retaining structures internally within the site. The layout and indicative section submitted demonstrates how the site would be developed and where retaining walls are anticipated. Whilst scale is a reserved matter the indicative section indicates the dwellings to be three storey high to the front and two to the rear. The indicative section also demonstrates the area to the front of the dwellings to be excavated to road level. On this section, to the rear the existing land levels are largely to be retained (due to concerns over the long term viability of mature trees which are not within the application site) albeit with an area of approximately 2m deep from the proposed dwellings to provide a level terrace.

10.17 This arrangement is not too dissimilar from the properties to the north east where limited amenity area is available to the rear of properties. In visual amenity terms, the layout alone is considered to follow the urban grain and general pattern of development along this side of the road. All plots are shown to provide off road parking with reasonable sized enclosed garden areas including provision for waste bins for each plot. Officers are of the opinion that, the principle of developing this site for residential development based on the layout submitted is acceptable. However, landscape, scale and appearance of the development needs careful consideration on any subsequent applications, to ensure the proposals do not appear out of context and appear in keeping with the scale of the surrounding development.

10.18 Furthermore, this would need to make particular regard to the advice of the Ecology Officer (discussed below) where the provision of native tree/ shrub species shall form part of the landscape proposals. The indicative scale, floor plans including details of retaining structures within the site, would not be approved as part of this permission.

10.19 As the application is only seeking the principle of developing this site with details of layout and access only, no information is submitted relating to external facing materials. The surrounding area consists of dwellings faced in render, stone and brick with no one prevailing facing material in the area. However, on this site the dwellings would occupy a predominant location on the street site and viewed from long distant views from the north. The dwellings would be seen against the backdrop of the woodland to the rear and more importantly the existing dwellings to the east and west which are faced in stone and render. Careful consideration should be given on the external facing materials on any subsequent applications to accord with UDP Policy BE11 and PLP24 of the Local Plan.

10.20 Due to the topography of the site it is inevitable as stated above that retaining walls will be required potentially on the periphery of and within the site. Similarly this would be considered in detail on subsequent applications and a suitable condition is recommended at this stage. Notwithstanding this Officers are of the opinion that a development on this site can be achieved without harm to visual amenity in accordance with UDP and Local Plan policies and guidance within the NPPF.

10.21 Residential Amenity

Policy BE12 of the UDP sets out the recommended minimum distances between habitable and non-habitable room windows for new dwellings. New dwellings should be designed to provide privacy and open space for their occupants and physical separation from adjacent property and land. Distances less than those specified will be acceptable if it can be shown that by reason of permanent screening, changes in level or innovative design no detriment would be caused to existing or future occupiers of the dwellings or to any adjacent premises.

10.22 Whilst scale and appearance are reserved matters, habitable openings are likely to be included in the north front elevation and as shown on the indicative floor plans. In the main a distance of 21m would be achievable between plot nos. 6-9 and existing facing dwellings on the opposite side of the road. The distance achievable from plot nos. 1-5 to facing dwellings (which are single storey to the road front) on the opposite side of the road would be approximately 19m. Whilst this falls short of the required 21m between facing habitable rooms officers are satisfied that a scheme could be provided on this site which would safeguard the residential amenity of future occupants as well as those that are located within close proximity to the application site, in accordance with Policy BE12 of the UDP.

10.23 Turning to the level of external amenity areas, an adequate area would be achieved around the dwellings. To the rear a 2m wide patio area is shown with an elevated area beyond to retain the existing land levels to ensure development is restricted outside the root protection zones of the mature trees on the adjacent woodland, beyond the southern boundary. Officers are of the opinion a practical solution can be designed to allow access to the elevated amenity areas which would need to form part of any future reserved matters application.

10.24 **Effect on Highways & road safety:**

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

10.25 On assessment of the proposals, Highway Officers raise no concerns. The proposals would provide direct access for each dwelling onto Forest Road with provision for on- site parking and adequate space to accommodate waste bins. The principle of developing this site for residential development is considered would not adversely create or materially add to highway safety or environmental problems on the surrounding highway network, in accordance with Policy T10 of the UDP.

10.26 The cumulative impact of the more recent permissions along Forest Road has also been considered by Highway Officers, who conclude the addition of nine dwellings, where it is demonstrated that safe and suitable access to the site can be achieved, the residual cumulative impacts of development together with other recent permissions along Forest Road would not cause severe highway concerns on the surrounding highway infrastructure, in accordance with UDP policies, the NPPF and Publication Draft Local Plan Policy PLP 21

10.27 **Landscape, trees & ecological issues:**

Paragraph 118 of the NPPF states “when determining applications Local Planning Authorities should aim to conserve and enhance biodiversity” by applying a number of principles. These include the conservation and enhancement of biodiversity in and around developments. UDP Policy EP11 requests that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. This is reiterated in Policy PLP 30 of the draft LP which seeks to protect and enhance the biodiversity and geodiversity of Kirklees, including the range of international, national and locally designed wildlife and geological sites, Habitats and Species of Principal Importance and the Kirklees Wildlife Habitat Network (KWNH).

10.28 Whilst the application site itself has little ecological value, it adjoins an area designated as a KWNH on the PDLP to the south. Therefore the potential for significant ecological impacts arising as a result of development is limited. The KWHN designation has a dual function of protecting existing ecological networks and identifying strategic locations for enhancing these networks. This designation is not intended to prevent development instead it identifies areas where special consideration needs to be given to green infrastructure. Based on this the Biodiversity Officer advises landscape proposals by which the green infrastructure network (identified as KWHN) can be enhanced by development of the site. This should include the use of native species in a landscape scheme and the enhancement of habitat integral to the dwellings in the form of bat and bird boxes. This is a matter to be given consideration on any subsequent application as details of landscape is a reserved matter.

10.29 Turning to the long term impact of the mature trees on the adjacent site UDP Policy NE9 seeks to retain mature trees. PDLP Policy PLP 33 states permission will not be granted which directly or indirectly threaten trees or woodland of significant amenity.

10.30 The Council's Arboricultural officer has confirmed some the trees shown to be felled to accommodate the proposals are of limited value. However there are trees which form part of the wider woodland area and as such a tree survey was requested with details of root protection zones. The arboricultural tree survey identifies a number of trees to be felled and some to be pruned back to accommodate the proposals. These trees lie outside the application site and form part of the wooded area to the south. Consultation with the forestry commission has been undertaken who have raised no objections and provided standard advice which will be included as an advisory note.

10.31 Officers are satisfied that development can be accommodated on this site, subject to a tree method statement demonstrating how the works are to be carried out without significant damage to the tree roots and so as not to compromise the embankment. As such full details of retaining walls/structures to ensure the long term viability of mature trees and the embankment will need to accompany any future applications to accord with Policies NE9 and PLP 33 and guidance in the NPPF, in particular paragraphs 120 and 121.

10.32 **Representations:**

Three representations received in total. In so far as where they have not been addressed above:

- Green belt land

Response: the site is designated as Urban Greenspace not within the greenbelt

- Loss of light to no. 56 Forest Road

Response: the layout demonstrates an adequate distance (4m) to be achieved between the side of plot no. 9, this being the nearest to no. 56 Forest Road. With regards to loss of privacy and overlooking further consideration will need to be given to the impact on the amenities of no. 56 Forest Road, when assessing scale and appearance details at reserved matters stage.

- Drainage issues from wooded area to the south
- Is utilities infrastructure equipped for additional development

Response: There are no known drainage issues in close proximity of the application site. The Strategic Drainage Officer has raised no objection subject to the inclusion of a condition. Furthermore, in line with the Council's standard advice for minor application it is not normally necessary to impose any drainage conditions. This is because drainage details would need to be considered on a building regulation application requiring the adequate provision of water to serve dwellings. However, with regards to surface water, in this instance it is still considered necessary to condition all areas indicated to be used for vehicles on the submitted plans to be laid out with a hardened and drained surface in accordance with the communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 781409804864) as amended or any successor guidance. This is to limit run-off associated with these hard surfaced areas.

With regards to the rest of the utilities this will also be considered outside the remit of planning and in association with the relevant utilities and authorities.

10.33 **Other Matters:**

Air quality:

Although there are no known air quality issues in this specific location, in order to improve air quality throughout Kirklees and in accordance with the West Yorkshire Low Emissions Strategy, Policy PLP 24 of the Publication Draft Local Plan and paragraph 124 of the NPPF, Officers encourage the use of electric and low emissions vehicles. In light of this it is recommended that each dwelling provides access for a charging point for electric and ultra low emissions vehicles. A condition to this effect would be imposed on any future permission, should the principle of developing this site be established.

11.0 **CONCLUSION:**

11.1 For the reason set out above the principle of developing this part of an UGS site is on balance considered acceptable by Officers. The proposal would accord with the Kirklees Unitary Development plan by virtue of compliance with policy D3 (i). The development will secure the provision of affordable housing within the scheme as a specific community benefit within the area where there is an identified need for such housing. This weighs significantly in favour of the proposal. The layout of the scheme will also ensure visual amenity is maintained in accordance with the UGS policy. All other material planning considerations not deliberated at this stage in assessing the principle, access and layout would need to be addressed on any subsequent application.

11.2 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

11.3 Having regard to the surrounding development in the area and the relevant provisions of the development plan and the National Planning Policy Framework, the principle of developing this site would be in accordance with the development plan as it is sustainable development. The proposal 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 appearance, landscaping, and scale (standard O/L condition)

2. Plans and particulars of the reserved matters (standard O/L condition)

3. Application for approval of the reserved matters (standard O/L condition)

4. The timeframe for implementation of the development (Standard O/L condition)

5. All conditions required in association with highway works /parking areas/ Access

6. Details of retaining structures

7. Electric charging point

8. Details of a scheme for the rate of surface water discharge from the site to a maximum of 5 litres per second

9. All areas indicated to be used for vehicles to be laid out with a hardened and drained surface in accordance with the communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens

Note:

Please view the following link to the Forestry Commission and Natural England's standing advice in relation to ancient woodland and veteran trees.

<https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

Should you require bespoke advice in relation to this planning application, please let us know.

Background Papers:

Application and history files.

Website link:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f90955>

Certificate of Ownership

Certificate B served on Mr R Wooler

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Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 05-Oct-2017

Subject: Planning Application 2017/92312 Demolition of existing three storey mill and associated buildings and erection of factory extension adjoining the existing mill building Ravensthorpe Mills, Huddersfield Road, Ravensthorpe, Dewsbury, WF13 3NA

APPLICANT

Ulster Yarns Ltd

DATE VALID

04-Jul-2017

TARGET DATE

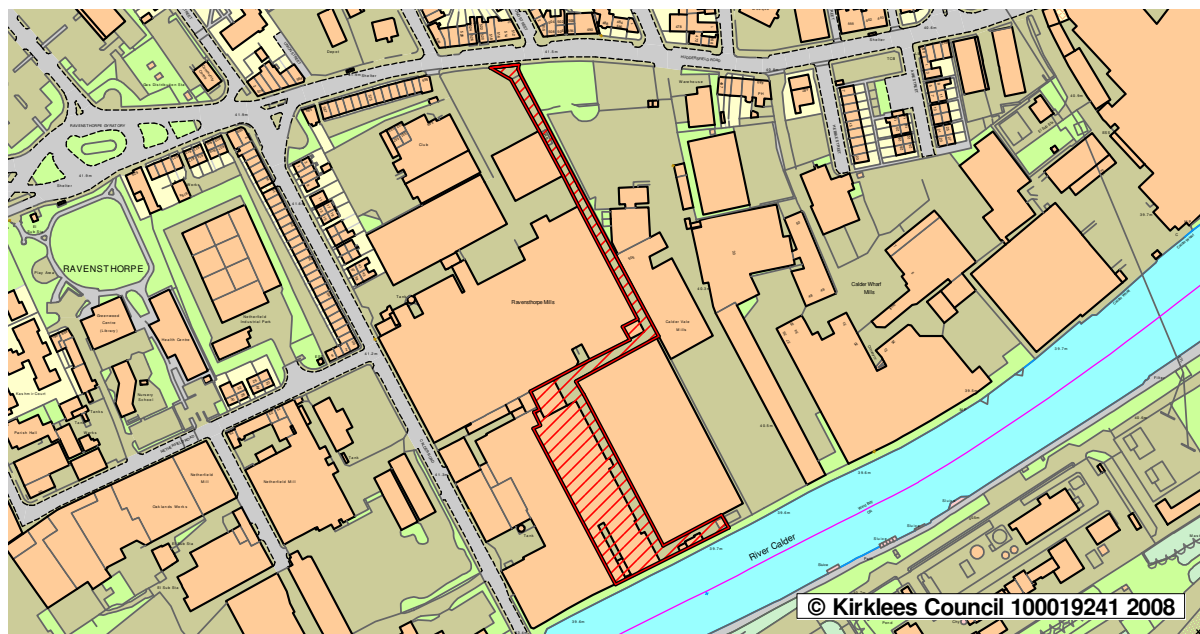
03-Oct-2017

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: Dewsbury West

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.

1.0 INTRODUCTION:

1.1 The application site comprises a large Mill site close to Ravensthorpe Town Centre. The site is owned by Ulster Yarns a textile company which manufactures carpet yarn. The proposal is for the demolition of an existing three storey mill and associated buildings and erection of factory extension.

2.0 SITE AND SURROUNDINGS:

2.1 The application site comprises a large Mill site close to Ravensthorpe Town Centre.

2.2 The main building within the site is a large 3 storey stone built Victorian mill in the centre of the site and a number of more recent two and single storey buildings within the wider site area.

2.3 The site is owned by Ulster Yarns a textile company which manufactures carpet yarn. The yarn is taken currently taken off site for dyeing and returned to the site where the carpets are then manufactured.

2.4 The site has an area of around 0.6 Ha and is unallocated on the Unitary Development Plan Proposals Map.

2.5 The premises are located within a much larger site predominantly for manufacturing businesses; the site is bordered to the south by the River Calder beyond which is the site of the former Ravensthorpe power station. To the west of the site is Calder Road, where there are other businesses including a car dismantlers; the nearest residential properties are located on this road. To the north is Huddersfield Road beyond which is a large predominantly residential area; to the west are the sites of Calder Vale Mills and Calder Wharf Mills.

2.6 The site is mainly within Flood Zone 3 on the Environment Agencies flood risk maps.

3.0 PROPOSAL:

- 3.1 The proposal is for the demolition of the existing 3 storey Victorian mill and associated buildings and the erection of a factory extension.
- 3.2 The building to be demolished would be the Victorian building as the three storey layout does not lend itself to modern manufacturing which tend to be linear production lines and carried out on the same level.
- 3.3 The new building would be a large single storey building which would measure 50m x 29m and would be 12m to the ridge. It would be steel portal frame building with Insulated panelling to the walls in various colours; the roof would be of insulated panels in goosewing grey.
- 3.4 As part of the development a section of the existing offices would be demolished to allow access to this part of the site to HGV's; a turning area would also be provided adjacent to the new building.
- 3.5 The building is required to allow the manufacturing process on the site to include the yarn dyeing. This is currently carried out at third party premises off-site; however the number of dyeing business the company can use is gradually decreasing such that if no action were to be taken the expectation is that the site would close down within the next 10 years. By bringing the process in house the company expects the business to be secured for the next 20 years.
- 3.6 The proposals also include the demolition of a small section of the office block to improve the access for HGV's within the site. A new turning area would also be provided and the remaining office block is to be refurbished.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 91/03727 Refurbishment of boiler house. Approved.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The site is within a Bat Alert area and includes the demolition of a building which has good Bat roost potential. A Bat emergence survey was requested. Bat survey received 25/09/17.
- 5.2 Concern expressed by Highways officer regarding the potential impact of the development on highway safety. Additional supporting information submitted 29/08/17.

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 **D2-** General development policy.

BE1- Quality of design.

BE2- Design principles.

B5- Extensions to business premises.

T10- New development and access to highways.

G6- contaminated land/ unstable land.

Supplementary Planning Guidance / Documents:

6.3 None relevant.

6.4 Draft Local Plan:

PLP 1 Presumption in favour of sustainable development.

PLP 9 Supporting skilled and flexible communities and workforce.

PLP 21 Highway Safety and Access.

PLP 27 Flood Risk.

PLP 30 Biodiversity and geodiversity.

PLP 34 Conserving and enhancing the water environment.

PLP 53 Contaminated and unstable land.

National Planning Guidance:

6.5 **NPPF 1.** Building a strong competitive economy.

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

NPPF 11. Conserving and enhancing the natural environment.

NPPF 12. Conserving and enhancing the historic environment.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Site publicity expires 18/08/17. No letter of objection received.

7.2 Ward Members: no comments received.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways. Concerns raised over any potential intensification of the access onto Huddersfield Road.

KC Ecology. The mill building is of a type and within a location where bat roosts may be present. A Bat Survey is therefore required. Bat survey received 25/09/17. The dusk and dawn survey concluded that there were no Bat roosts present.

Environment Agency. No objection in principle, however the local authority must be satisfied that the development complies with the Sequential Test (flood risk) in line with guidance in the National Planning Practice Guidance (NPPG).

The development should be carried out in accordance with the submitted Flood Risk Assessment (FRA).

8.2 Non-statutory:

KC Conservation and Design: The mill building on the site is not listed and has been much altered, it is not worthy of being considered as a non-designated heritage asset. Therefore no objection.

KC PROW: No comments.

Strategic Drainage: No objections subject to conditions.

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

- 10.1 The site forms part of a large and well established manufacturing site, comprising a large Victorian mill building and other manufacturing/storage buildings of various age and design. It is unallocated on the UDP proposals map and as such general development policy D2 is applicable. The principle of development is acceptable providing there is no undue impact on residential or visual amenity, highway safety and any other relevant considerations. Policy B5 of the UDP is also applicable and states that proposals for extension to business premises will be permitted provided the amenity of occupiers of neighbouring properties, visual amenity and highway safety are safeguarded. These issues will be assessed in the body of the report. NPPF policy in paragraph 21 specifies that local planning authorities should support existing business sectors and be flexible in their approach.

Based on the above it is considered that the principle of development has been established.

Urban Design issues

- 10.2 The main issue in terms of visual amenity would be the loss of the Victorian Mill building; however this is not listed and as it has been substantially altered, would not be considered as a non-designated heritage asset. The proposed building would be a functional purposes built manufacturing warehouse of portal frame construction with facing being partly in buff coloured brick and light grey insulated panels with a similar type roof. It is noted that the existing building and the proposed replacement are located entirely within the central part of this site and not easily visible from a public vantage point. The proposals also include a part demolition and refurbishment of the existing office block; this would help improve the appearance of what is currently a fairly drab looking building. Again this is located within the central part of the site and not visible from a public vantage point. Given the above the proposals are considered to be in accordance with policies D2, BE1 and B5 of the UDP.

Residential Amenity

- 10.3 The site is a long established manufacturing site which operates on a continuous 24 hour basis in order to provide efficiency which is common with industrial processes of this nature. As such there is already a certain level of noise and disturbance associate with this site, however the nearest residential properties are located at the junction of Calder Road and Netherfield Road and are over 130m from the replacement building. Furthermore the proposed building would be more efficient in terms of noise transmission than the existing and is also in a part of the site surrounded by other industrial buildings. As such there is unlikely to be any additional impact on residential amenity than the existing situation. There has been no objection from Environmental Health in terms of noise and no requirement for specific conditions. A footnote is suggested regarding hours of working during the construction process.

Landscape issues

- 10.4 The site is within a larger industrial area with only the access being near to any public vantage point, there is also no scope within the layout to provide any landscaping.

Housing issues

- 10.5 None relevant to this application.

Highway issues

- 10.6 The main issue with regard to highways is whether or not the proposals would result in an intensification of the use given that the existing access onto Huddersfield Road is substandard. The Highways officer raised this in the consultation response and consequently further information was requested from the applicant. The additional supporting information received 29/08/17 states that the proposals are likely to result in a reduction in the number of traffic movements by HGV by two vehicles per day as the yarn dyeing would take place in house rather than off-site as currently takes place. Based on this it is considered that the proposals are unlikely to result in an intensification of the site access and as such would be in accordance with policies T10 and B5 of the UDP.

Drainage issues/Flood risk

- 10.7 The site lies partly within Flood Zone 2 and Flood Zone 3 on the Environment Agency Flood maps. Given the scale of the development a Flood Risk Assessment has been submitted which states that the development would not increase the risk of flooding elsewhere and that the mitigation measures proposed would help protect the development from any future flooding. The mitigation measures include raising the height of any electrical equipment and non-return valves incorporated into the drainage system. The FRA also suggests that the applicant signs up to the Flood Warning Service provided by the Environment Agency.

The existing and proposed developments are also considered to be “less Vulnerable” uses in the NPPG and as such can be appropriate in Flood Zone 3.

A sequential test was also required which has been submitted. Guidance within paragraph 033 of the NPPG suggests that a pragmatic approach on the availability of alternative sites should be taken for example, in relation to business premises, it might be impractical to suggest that there are more suitable alternative locations for the development elsewhere. Given that the building is a replacement for an existing, larger building and is within the same manufacturing site owned by the applicant and, it would incorporate flood resilience measures it is considered that the proposed development satisfies the requirements of the Sequential Test.

The Environment Agency is concerned about run off from the hardstanding areas for vehicles and has requested a condition requiring the drainage to pass through oil separators prior to being discharged into the watercourse. With regard to trade effluent a condition is also required that the development is carried out in accordance with the FRA mitigation measures and footnotes

included which raise the issues of flood resilience construction and the transfer of waste material within and off site.

Subject to appropriate conditions it is considered that the proposals are in accordance with policies within chapter 10 of the NPPF.

Representations

10.8 None Received.

Planning obligations

10.9 The site is below the threshold which would trigger any planning obligations for this type of development.

Other Matters

10.10 **Ecology:** The site is located in a Bat Alert area and the building is of a type where bat roosts may be present. A Bat survey was requested which included dawn and dusk surveys. This has concluded that there are no bat roosts present in the building, however bats may re-enter the building at any time and as such caution should be undertaken during demolition. Conditions are required regarding mitigation measures.

10.11 **Contamination:** given the existing and previous use of the site there is the risk that it is contaminated. This could affect both the water environment and human health. It is therefore appropriate, in line with the suggestion from Environmental Health, that a condition is included regarding unexpected contamination. The Environment Agency has included detailed advice within the consultation response regarding land contamination and the removal of any waste. A link to the response and a footnote should be included with any decision notice.

10.11 **Impact on existing business.**

10.12 The building is required to allow the manufacturing process on the site to include the yarn dyeing. This is currently carried out at third party premises off-site, however the number of dyeing business the company can use is gradually decreasing such that if no action were taken the business would most likely cease to operate within 10 years. The proposals to bring the dying process in house would, according to the applicant, help to secure the business for the next 20 years.

10.13 NPPF policy in paragraph 21 says that local planning authorities should support existing business sectors and be flexible in their approach. This site is already used in conjunction with the existing business and is within a largely industrial and business area. As such it is an appropriate site for this form of development and any slight harm which may be caused by the loss of the Victorian Mill building is outweighed by the retention of a local business and local employment opportunities.

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 The proposals are for a replacement manufacturing building in an established manufacturing site. The development is intended to secure the future of the business on this site for the next 20 years and with it a large number of jobs. As such there is a significant business case in terms of employment which weighs in favour of the proposals.
- 11.3 It is located in a sustainable location with good access to surrounding towns and the road network.
- 11.4 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. 3 years time limit
2. accordance with the plans and specifications.
3. Unexpected contamination.
4. In accordance with submitted Flood Risk Assessment.
5. Provision of oil separator for surface water drainage from areas of hardstanding.
6. Turning area for HGV's to be provided.
7. Development carried out in accordance with submitted bat survey.
8. mitigation measures in form of bat roost features required.

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f92312>

Certificate of Ownership – Certificate A signed.

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Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 05-Oct-2017

Subject: Planning Application 2016/90376 Outline application for erection of 7 dwellings with associated works Land to NE of Wickleden Gate, Scholes, Holmfirth, HD9 1QT

APPLICANT

Claire Parker-Hugill,
L'Arche Developments
(Yorkshire) Ltd

DATE VALID

10-May-2016

TARGET DATE

10-Oct-2016

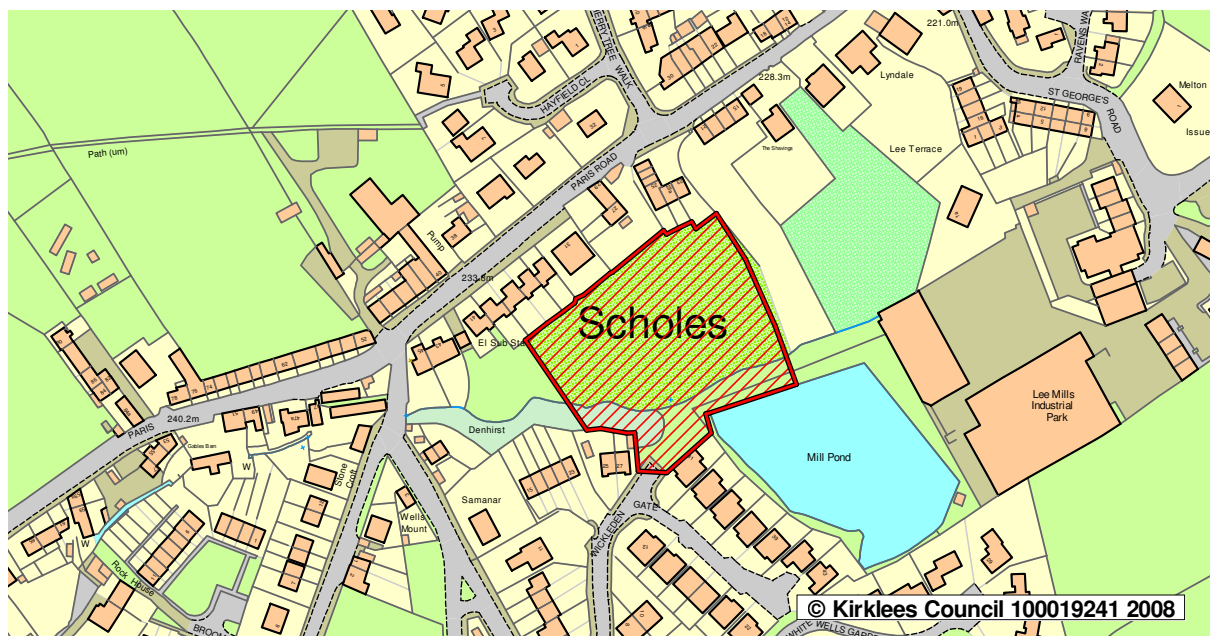
EXTENSION EXPIRY DATE

10-Oct-2016

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Holme Valley South

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION:

Refuse

1. The site forms part of an Urban Greenspace allocation on the Council's Unitary Development Plan (UDP) Proposals Map as well as on the Draft Publication Local Plan. Policy D3 of the UDP and Policy PLP 61 of the Local Plan relate to development on Urban Greenspace sites. The site (and the wider allocation) is considered to have visual amenity value by providing open green space within the built-up area of Scholes where similar open land is scarce. It is considered that the development does not meet the criteria for development on Urban Greenspace sites as set out in Policy D3 of the UDP, including the provision of a specific community benefit. Furthermore, the development would not be consistent with PLP 61. The loss of the value of the Urban Greenspace is considered to outweigh all other material considerations, including the delivery of new housing.

1.0 INTRODUCTION:

1.1 The application is brought to the Strategic Committee because the development would be a departure from the development plan if the application were to be approved.

2.0 SITE AND SURROUNDINGS:

2.1 The site comprises a piece of open land that sits between Wickleden Gate and Paris Road, Scholes. The site slopes up from the boggy ground in the south eastern part of the site towards the north west where it abuts the rear gardens of a number of properties along Paris Road that sit at a higher level to the site. The land is predominantly covered in long grass and there is an area of protected trees towards the southern corner of the site.

2.2 There is a mill pond used by a local piscatorial society to the south east of the site and some commercial development further to the east but the prevailing character of the area is residential.

2.3 The land forms part of a larger piece of Urban Greenspace that extends towards the east and includes the mill pond to the south east.

3.0 PROPOSAL:

3.1 This is an outline application seeking approval of access and layout. The proposed development has been amended during the course of the

application from 14 dwellings to 7. The amended layout shows a block of 7 detached dwellings towards the upper part of the site with a wetland nature area and forest school garden plus a parking area on the lower ground, separated by an internal estate road.

4.0 RELEVANT PLANNING HISTORY:

4.1 91/01274 Outline application for residential development – Refused & appeal dismissed

90/02235 Outline application for residential development – Refused

89/07346 Outline application for residential development – Refused

88/00658 Outline application for erection of 2 dwellings – Refused

5.0 HISTORY OF NEGOTIATIONS:

5.1 The applicant requested an opportunity to modify the scheme after concerns were raised by officers regarding the principle of the development on the Urban Greenspace and concerns with the quantum and layout of development. The applicant also sought to address highway, drainage and tree issues through the submission of additional information.

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was 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 The site is allocated as Urban Greenspace in the Unitary Development Plan and the Local Plan. The application site and part of the remainder of the Urban Greenspace allocation were put forward as a housing option as part of the Local Plan process. This was rejected in favour of retaining the Urban Green Space allocation. There are no public objections to either the rejected housing option or the Urban Greenspace designation. The designation will be resolved at the Local Plan Examination in Public.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

6.2 BE1 – Design principles
BE2 – Quality of design
BE11 – Materials

BE12 – Space about buildings
BE23 – Crime prevention
EP4 – Noise sensitive development
EP11 – Ecological landscaping
D3- Urban Green Space
T10 – Highway safety
T16- Provision of safe pedestrian routes within development
T19 – Parking standards
NE9 – Retention of mature trees
H18 – Provision of open space
G6 – Land contamination

Supplementary Planning Guidance / Documents:

6.3

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

National Planning Guidance:

6.4 National Planning Policy Framework:-

Part 1 Building a strong effective economy
Part 4 Promoting sustainable transport
Part 6 Delivering a wide choice of high quality homes
Part 7 Promoting good design
Part 8 Promoting healthy communities
Part 10 Meeting the challenge of climate change, flooding and coastal change
Part 11 Conserving and enhancing the natural environment.

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

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

It should be noted that the Strata Homes appeal (New Lane inquiry) Inspector allowed an appeal on UGS (without a specified community benefit).

Inspector here did not consider paragraph 74 germane to the appeal. This view was also set out in the Council's defence at the White Lee (Jones Homes) Inquiry in June 2017. As such for the typology of UGS in question (semi-natural) the use of paragraph 74 is not considered directly relevant to the outcome of the planning application. The position however is that Policy D3 of the UDP is in broad conformity with the NPPF and the UDP policy D3 is not out of date in the context of the Supreme Court Ruling.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application as originally submitted was advertised by site notice, press advert and neighbour notification letters. In response a total of 58 representations were received. 56 of the representations raise concerns and/or object to the proposal, one of the representations is in support and another states no objections to a reasonable development on the land.

A summary of the representations is provided as follows:

General principle:

- Previous refusals on the site including an appeal dismissed on grounds of new development being overlooked and loss of visual break as 'back land' for existing properties
- Loss of Urban Greenspace – contrary to Policy D3
- School does not need the wetland area/forest school
- Concerns that more of the UGS allocation will be developed in the future
- Site is not wasteland/dumping ground as suggested by the applicant
- Cumulative effect with other approved/planned development in Scholes

Visual amenity/character:

- Loss of openness within the village
- Development will add to previous 'infill' development to the detriment of the character of the village
- Detrimental impact on visual amenity
- Excessive density – out of character
- Overdevelopment
- Concerns with scale and design
- Loss of outlook/view

Highway matters:

- Impact on local road network; local road network unsuitable to accommodate additional housing
- Additional traffic and congestion
- Increased vehicle movements detrimental to safety and free flow of traffic
- Concerns with proposed access arrangements and parking
- Problematic accessing the site during very cold weather (snow and ice). People park on nearby roads at such times and this will be increased as a result of the development

Residential amenity:

- Proposed houses will be overlooked with little privacy
- Obtrusive, overbearing and 'claustrophobic' effect on adjacent properties

- Loss of light/overshadowing
- Overlooking/loss of privacy to existing properties
- Community garden will attract noisy gatherings and litter

Flood risk & drainage:

- Drainage issues in this area are such that this is an unsuitable site to develop
- Site acts as natural drainage area for higher areas
- Increased flood risk
- Concerns with how foul and surface water will be dealt with

Ecology and trees:

- The make-up of the site has ecological value and supports wildlife including bats
- Loss of habitat / biodiversity
- Inadequate ecological information provided
- Loss of protected trees / detrimental impact on protected trees
- Impact on mill pond ecology

Other matters:

- Impact on local infrastructure: schools, services and roads
- Not a need for this type of housing in this location
- Site includes land owned by the Paris Piscatorial Society that was supposed to be transferred under a S106 obligation for the houses built as Wickleden Gate
- Plans may affect access to fishing pond including by wheelchair users
- Practical concerns with the carrying out of construction including noise and disturbance and impact on stability of mill pond
- Who will maintain the wetland area? Has a risk assessment been carried out for future users?
- Concerns with the practicalities of the community garden
- Impact on ground stability
- Concerns with extent of publicity of the application

In support:

- Appropriate use of waste land

Following the submission of amended plans a further round of consultation was carried out via letters sent to neighbours and interested parties. In response a total of 17 objections were received and a letter of support from the Paris Piscatorial Society.

A summary of the objections is provided as follows:

- Fundamental concerns remain with the principle of development on the Urban Greenspace
- Lack of a 5 year housing supply does not outweigh other considerations
- Concerns with the future maintenance and management of the wetland nature area. No evidence that it is wanted or needed. Such a facility could be located elsewhere - it's not unique to this location. Wetland area may attract unsociable behaviour.

- Previous refusals and Inspector's decision still relevant
- Site was rejected for housing in the Local Plan
- Concerns that remainder of the Urban Greenspace allocation will be developed in the future
- Highway concerns remain – traffic, congestion, safety of highway users, unsuitable highway network and point of access, on-street parking issues during inclement weather
- Ecology concerns remain – loss of habitat, detrimental impact on biodiversity
- Concerns remain with drainage and flood risk issues which have not been adequately addressed. Additional concerns with suitability of proposed drainage strategy.
- Concerns remain with impact of additional houses on local facilities and services including the school
- Impact on local infrastructure – roads and drainage systems
- Loss of trees. Box culvert also appears to be below protected trees.
- Loss of visual amenity
- Loss of privacy from footpath to wetland area
- Overlooking and overshadowing of existing property
- Health concerns arising from construction
- Increased noise
- Concerns with potential scale of houses

A summary of the letter of support is provided as follows:

- Paris Piscatorial Society (PSC) supports the proposals. Proposal provides a significant community benefit and will improve the land.
- Development will provide parking for anglers which will help to address local concerns with on-street parking
- The parking area includes disabled parking provision which would allow disabled members to join the club and the parking would also benefit less mobile members.
- Some basic storage is provided within the wetland nature area along with a potential meeting place which would benefit the PSC
- Visual benefit provided by the wetland area
- Development will prevent a fly-tipping issue at the site
- Improve safety by removing a boggy area that could be a hazard to children
- PSC could provide a nominated authorised 'keyholder' to help to manage the parking area and wetland area

Holme Valley Parish Council – Initially objected to the application on the following grounds: “Loss of urban green space, highways/access issues, over-intensification of the site, TPO's, reduction in/lack of parking and lack of schools. Bungalows and smaller properties (affordable and semis) would be more appropriate and in keeping”.

Holme Valley Parish Council were consulted on the amended proposals and commented that they support the application subject to highway and parking issues being resolved.

Ward members – Cllr Nigel Patrick enquired as to progress with the application. Ward members notified of the amended plans. No specific comments on the original or amended proposals have been received from ward members.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways – No objections in principle however further information is required to enable a full highways assessment of the amended scheme to be carried out. Some concerns raised with the configuration of the walkway from Wickleden Gate to the wetland nature area/forest school.

KC Lead Local Flood Authority – No objections subject to conditions

8.2 Non-statutory:

KC Environmental Health – No objection subject to conditions

KC Trees – No objections in principle but further information required to fully assess the impact on protected trees.

KC Conservation & Design – No objection in principle to developing the land. It was felt that the 14 dwelling scheme was slightly overdeveloped.

KC Ecology Unit – The main biodiversity value of the site is the boggy ground in the lower part of the site. The expanded wetland nature area is likely to provide adequate biodiversity mitigation subject to details of landscaping and a landscape and ecology management plan.

The Environment Agency – No comment of flood risk grounds. Advise to consult with Yorkshire Water regarding sewage capacity.

Yorkshire Water – Advise that no comments required from Yorkshire Water for this development (comments in relation to 14 dwelling scheme)

West Yorkshire Police Architectural Liaison Officer – General advice provided regarding boundary treatments and window door design. Appropriate boundary treatment is especially important in relation to the community gardens within the site (now omitted from the scheme as amended).

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

- 10.1 The site is allocated as Urban Greenspace in the UDP, and the site is also allocated as Urban Greenspace on the Local Plan. The Local Plan designation now carries considerable weight and in the absence of any public objections to either the rejected housing option or the approved Urban Greenspace designation the weight that can be attached is increased. Nevertheless pending the adoption of the Local Plan, the UDP remains the statutory development plan for Kirklees, and policy D3 is the relevant policy.

Policy D3 states:

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

i) is necessary for the continued enhancement of established uses or involves change of use to alternative open land uses, ,or would result in a specific community benefit, and, in all cases will protect visual amenity, wildlife value and opportunities for sport and recreation; or

ii) Includes alternative provision of urban greenspace equivalent in both quantity and qualitative terms to that which would be developed and reasonably accessible to existing users.

- 10.2 The site at present forms part of an area of natural green space within a built-up area. There is no public access to the land. This application is for housing and is not therefore necessary for the continued enhancement of the established use.
- 10.3 The proposal does not involve change of use to an alternative open land use. The majority of the site would be developed for housing and, whilst the layout does provide a reasonably substantial area of undeveloped space in the form of a wetland nature area, this in itself would not result in an alternative open land use when considering the proposal in its entirety. Furthermore, this wetland nature area would be secured and managed in order to control access and so it cannot be classed as 'open' land. The applicant is however relying on this wetland nature area, along with some parking spaces, as providing a specific community benefit and contends that the development therefore complies with Policy D3.
- 10.4 The applicant has indicated that the wetland nature area and forest school could be used for educational purposes and local schools, nurseries and scouting movements have been suggested as potential end users.
- 10.5 Officers have considered the proposed community benefit and have concluded that it would not constitute a specific community benefit for the purposes of Policy D3. Evidence to suggest that there is a clear need or demand for this type of facility has not been adequately demonstrated within the submission and there is nothing to indicate from the public representations received that the local community, including any potential end-users, considers the wetland nature area to be a desirable addition that would benefit the local area. It is acknowledged that Holme Valley Parish Council now support the application in its amended form (reversing their original objection) and some weight can be attached to this, albeit the parish council has not made any specific comment on the 'community benefit' element. Nevertheless, officers are of the opinion that there is insufficient

information to confidently say that the wetland nature area and forest school would deliver a specific benefit for the community which would justify the loss of this piece of Urban Greenspace.

- 10.6 In addition to this, officers have concerns over the lack of information to demonstrate the practicalities of the long term management and maintenance of the wetland nature area which have not been adequately alleviated through the information provided. The applicant has provided some basic heads of terms for the management of the wetland nature area although concerns still exist in relation to who will assume responsibility for maintaining the land, especially in relation to paying for its upkeep, as well as which body/group(s) will manage the use of the area on a day-to-day basis, including responsibility for keeping the area secure. It is noted that the Paris Piscatorial Society has stated that they could assist in helping to manage access to the area through a nominated 'keyholder' but it is still considered that clear arrangements for ongoing management and maintenance are lacking. Concerns with the maintenance and security of the wetland nature area have also been expressed by local residents.
- 10.7 Six parking spaces are also to be provided adjacent to the wetland nature area. These would be available for visitors to the nature area and use by the adjacent angling club (Paris Piscatorial Society). The piscatorial society have commented that the proposals would help to alleviate existing on-street parking issues and would enable disabled anglers to access the mill pond as a result of the parking provision and the proposed new entrance. There is a benefit in having some off-street parking for the angling club as well as the improved accessibility to the mill pond but very limited weight is given to this in the context of it providing, or at least contributing towards, a specific community benefit for Policy D3.
- 10.8 Policy D3 (i) requires that in all cases development will protect visual amenity, wildlife value and opportunities for sport and recreation.
- 10.9 The reduction in the number of dwellings has reduced the visual impact of the development and the location and topography of the site in relation to surrounding land would mitigate the visual prominence of the development. Nevertheless, the proposal would introduce a substantial built form on an area of land that is allocated as Urban Greenspace in the emerging Local Plan partly on the basis of its visual amenity value in that it contributes to a sense of openness within the built-up area of Scholes village where similar green buffers are extremely limited. The application site constitutes a relatively substantial proportion of the overall Urban Greenspace allocation and would significantly diminish its visual amenity value. Whilst matters of scale and appearance are reserved for future approval it is still considered that the development would fail to adequately protect visual amenity.
- 10.10 In terms of ecological value, the proposed wetland nature area would go a long way towards protecting the site's ecological value and it is considered that the development is acceptable in this regard.
- 10.11 With respect to opportunities for sport and recreation, the site currently comprises private land with no public access. The site does not therefore currently provide any opportunities for sport or recreation. The proposals would not fundamentally alter this position although it would make access to the adjacent angling club, which is part of the wider Urban Greenspace

designation, easier for less mobile and disabled anglers. There could be some recreational value to the wetland nature area although, as detailed in the application, access would be controlled which limits its general recreational value.

- 10.12 The development does not include alternative provision of Urban Greenspace equivalent in both quantitative and qualitative terms and therefore the development does not meet the second criterion of Policy D3.
- 10.13 The development also does not accord with Policy PLP 61 of the Draft Publication Local Plan which sets out the criteria for development on Urban Greenspace sites and allows for proposals which result in a substantial community benefit that clearly outweighs the harm resulting from the loss of the existing Urban Greenspace. For the reasons described above officers do not consider that the development would meet any of the criteria set out in this policy.
- 10.14 In conclusion officers consider that proposal fails to meet the criteria for development on Urban Greenspace sites as set out in Policy D3, and specifically the wetland nature area and forest school plus parking area is not considered to amount to a specific community benefit. Furthermore, the development would significantly compromise the significant visual amenity value of the Urban Greenspace allocation by reducing the sense of openness within the built-up part of Scholes village, where there is already a scarcity of such open land.

Urban Design & Heritage Issues

- 10.15 The layout is much improved from the original 14 dwelling proposal and matters of scale, appearance and landscaping are reserved. In principle it is considered that dwellings of an acceptable scale and design could be provided but nevertheless this would not overcome the fundamental concerns with the visual impact of the loss of the open land as referred to in paragraph 10.9.
- 10.16 There are a small number of listed buildings towards the north and west of the site, the closest being 27/29 Paris Road. Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990 introduces a general duty for the protection of listed buildings & structures. Additionally, NPPF Chapter 12 outlines the principle of development and restrictions for designated heritage assets. For development which affects a listed building or its setting the local planning authority should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 10.17 It is considered that the separation distance (which includes an undeveloped buffer zone) and the difference in levels between 27/29 Paris Road and the main part of the site is such that there would not be any significant impact on the setting of this listed building. The other listed buildings in the vicinity are further away with built development lying in between.

Residential Amenity

- 10.18 The amended layout has reduced the impact on adjacent properties, particularly the removal of a dwelling adjacent to 31 Wickleden Gate.
- 10.19 The proposed layout accords with the council's space about buildings policy (BE12). The potential for any significant impacts on the amenity of nearby properties is also reduced by the topography of the area as well as existing and new landscaping within the site. For example, a landscaped buffer zone is shown along the north western boundary to the properties on Paris Road which are set at a higher level to the site and the area of protected trees to the southern part of the site would help to screen part of the development from dwellings on Wickleden Gate. The relationship between new and proposed houses would provide an acceptable standard of amenity for future residents of the proposed development.
- 10.20 The site lies in quite close proximity to some commercial development at Lee Mills Industrial Park. Kirklees Environmental Services have been consulted on the application and have considered the relationship between the site and the nearby industrial uses. Whilst there is some daytime noise arising from the industrial park this is not considered to be at a level that would prejudice future occupiers, particularly considering the separation distances involved. The development is considered to comply with Policy EP4 and guidance in the NPPF.

Landscape issues

- 10.21 Landscaping is a reserved matter but the layout shows a generous amount of planting to the north west boundary within an undeveloped buffer zone as well as the retention of an area of protected trees to the south western boundary. The wetland nature area also provides a substantial area of soft landscaping around a pond. In general these areas would provide attractive green spaces within the development and afford a sense of openness. Hard landscaping such as boundary walls and fences and vehicle/pedestrian surfaces would be considered at reserved matters stage.

Housing issues

- 10.22 The development would deliver a modest amount of housing that would boost the housing supply within the district but this does not outweigh the loss of the Urban Greenspace.

Highway issues

- 10.23 Highways Development Management raise no objections in principle however further technical information has been requested from the applicant. This information includes details of levels along the access road to demonstrate road gradients and how the access would tie in with Wickleden Gate; swept paths for a larger size of vehicle than that shown; footways along the estate road; details of how the access relates to the culverted watercourse within the site and; a demonstration of sightlines from the access road. Additional information is awaited from the applicant and an update will be provided to members on the highways assessment.

Drainage issues

- 10.24 In response to the amended site layout for 7 dwellings and the submission of additional drainage information there are no objections from Kirklees Lead Local Flood Authority. Properties have been removed in areas considered at risk of flooding and the wetland area has been expanded. Provisional details show culverted sections of the open watercourse which are acceptable to facilitate access. Conditions would be required relating to detailed drainage design, the existing watercourse within the site and the site's interaction with the adjacent mill pond.
- 10.25 Yorkshire Water and the Environment Agency have both been consulted and no objections have been raised.

Trees and ecology

- 10.26 The site includes a belt of protected trees towards the southern boundary. The proposal indicates that two of these trees would need to be felled in order to facilitate the access. The plan indicates that one of the trees is dead.
- 10.27 The trees officer has no objections in principle to developing the site and some very limited tree removal can be accepted provided that compensatory tree planting is provided elsewhere within the site.
- 10.28 One of the proposed dwellings is very close to the belt of protected trees and further information is awaited from the applicant to accurately demonstrate this relationship in order to assess whether adequate separation is being provided. If adequate separation is not being provided then the layout may have to be amended slightly.
- 10.29 The updated drainage information shows a section of an existing stream, which passes through the area of protected trees, being culverted within a box culvert. Whilst the drainage scheme is indicative only at this stage these works could potentially impact the trees and a method statement to demonstrate how these works would be carried out without harming the trees would be required.
- 10.30 An update will be provided to members on tree issues.
- 10.31 An ecological report has been submitted with the application and is accepted as an accurate representation of the habitats present on site. The site is relatively diverse in terms of the range of habitats present and, although none of the habitats are specifically protected, this is likely to support a reasonably diverse invertebrate assemblage, which in turn has the potential to support a good assemblage of birds and bats.
- 10.32 The habitats of greatest value are likely to be the combined swamp vegetation and ditch at the southern boundary. This area is also likely to provide the greatest contribution to the wider habitat network. The loss of these habitats is likely to result in significant ecological impacts which will need to be mitigated in order to make the development acceptable.
- 10.33 Officers are satisfied that the revised site layout, which has significantly expanded the proposed wetland area, would avoid much of the associated ecological impacts. Subject to further details of this area being provided by conditions and/or under details of 'landscaping' at reserved matters stage

then the ecological implications of the development are considered to be acceptable. The development is deemed to accord with guidance in the NPPF.

Representations

- 10.34 The application has been subject to two rounds of formal publicity, one for the plans as originally submitted (14 dwellings) and one for the amended scheme (7 dwellings).
- 10.35 A total of 76 representations were received in response to the publicity, the overwhelming majority of which raise concerns. The main thrust of the objections relate to development on Urban Greenspace, the planning history of the site, detrimental impact on visual and residential amenity, highway concerns, drainage, ecology, trees and the impact on local infrastructure including school places.
- 10.36 The issue of development on the Urban Greenspace has been set out earlier in this report along with an assessment of the visual and residential amenity impacts, drainage issues and ecological and tree implications. In principle the development is acceptable from a highway safety point of view; the impact of an additional 7 dwellings on the local highway network would be very limited and subject to additional/amended information being provided the access and layout arrangements could be made acceptable. In terms of the impact on local school places, the development does not trigger an education contribution and this concern cannot be given any weight.
- 10.37 Comments have been made in relation to land ownership whereby it has been suggested that the site includes land owned by the Paris Piscatorial Society that was supposed to be transferred under a S106 obligation in connection with the houses built as Wickleden Gate. The applicant has signed Certificate A stating that they own all the land to which the application relates. Whether the Paris Piscatorial Society owns any of the site or not, an applicant only has to serve notice on another land owner in order to satisfy planning application requirements. The Paris Piscatorial Society are fully aware of the application and are in support of it and so even if it is the case that the piscatorial society own some of the land then this landowner has not been prejudiced in any way and in the circumstances the application is deemed to be valid.
- 10.38 The impacts of construction have also been raised by a number of residents but this is not a material consideration. The impact on ground stability has been referenced although it is considered that on this site such issues would be adequately dealt with through the building regulations regime. An appropriate drainage scheme would also help to allay such concerns.

Planning obligations

- 10.39 The development does not meet the trigger for affordable housing or an education contribution. The site area triggers a public open space (POS) contribution; the wetland nature area is unlikely to meet the requirements of POS given that it would not be an enclosed area with controlled access and so an off-site sum in lieu would have to be negotiated with the applicant and secured by S106.

Other Matters

- 10.40 Further investigation into potential contaminated land issues is necessary and could be dealt with by conditions.
- 10.41 The revised layout which has removed the community gardens addresses some of the comments made by the Police Architectural Liaison Officer. More details of the management of the wetland nature and car park would be required to ensure that these areas do not attract anti-social behaviour. This area would nevertheless be well overlooked by the proposed houses.

11.0 CONCLUSION

- 11.1 The principle of development on this area of Urban Greenspace is contrary to Policy D3 of the UDP and specifically the applicant has failed to demonstrate that the development would provide a specific community benefit and one that is viable in the opinion of Officers. The development is also inconsistent with Policy PLP 61 of the emerging Local Plan. The site forms part of a larger Urban Greenspace allocation that has high visual amenity value by virtue of it providing green space within a built-up area which gives a sense of openness to this part of the village. Furthermore, similar areas of open land are extremely limited within the village which increases the amenity value of this site. The development would significantly compromise the site's value as open land and the harm is not outweighed by any other material considerations.
- 11.2 The principle of the development is accepted from a highway safety point of view, subject to the submission of further design information. It is considered that the development can provide an acceptable standard of amenity for existing and future residents and officers are satisfied that adequate arrangements for the site's drainage can be put in place. The ecological impacts can also be adequately mitigated. The specific impact on protected trees requires further assessment and members will be updated on this matter but in principle there are no significant constraints to developing the land.

12.0 Reason for Refusal

1. The site forms part of an Urban Greenspace allocation on the Council's Unitary Development Plan (UDP) Proposals Map as well as on the Draft Publication Local Plan. Policy D3 of the UDP and Policy PLP 61 of the Local Plan relate to development on Urban Greenspace sites. The site (and the wider allocation) is considered to have visual amenity value by providing open green space within the built-up area of Scholes where similar open land is scarce. It is considered that the development does not meet the criteria for development on Urban Greenspace sites as set out in Policy D3 of the UDP, including the provision of a specific community benefit. Furthermore, the development would not be consistent with PLP 61. The loss of the value of the Urban Greenspace is considered to outweigh all other material considerations, including the delivery of new housing.

Background Papers:

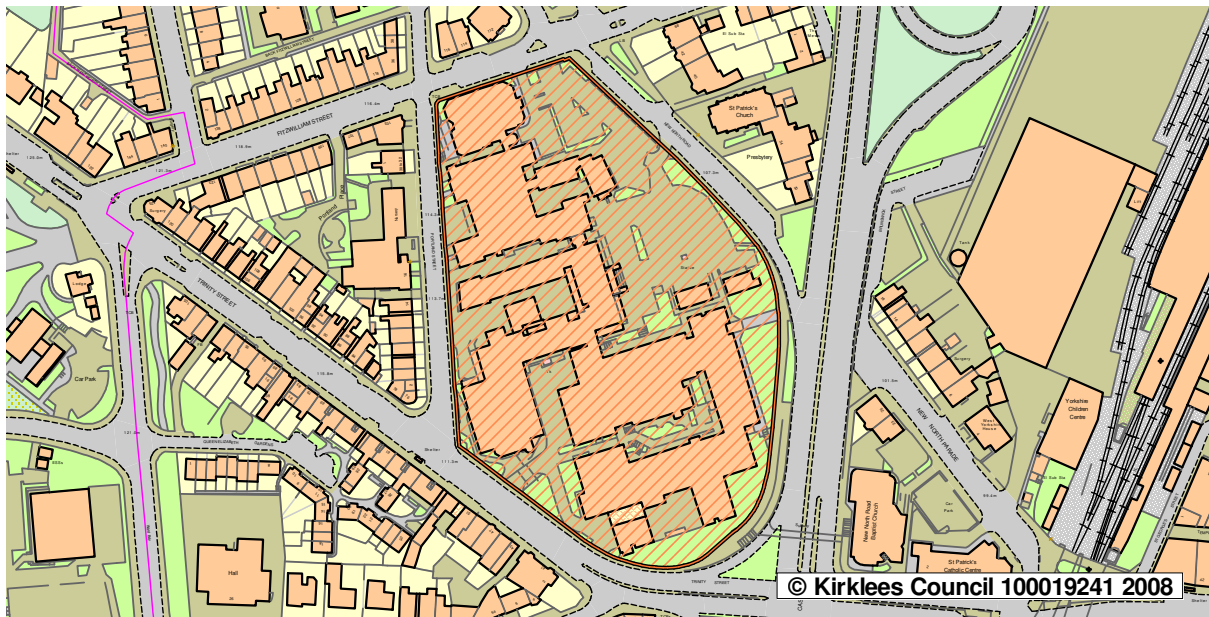
Application and history files.

Website link:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f90376>

Certificate of Ownership – Certificate A signed

LOCATION PLAN



Electoral Wards Affected:

1. Newsome

Yes Ward members notified

RECOMMENDATION: Members note the contents of this report for information

1.0 INTRODUCTION:

- 1.1 This pre-application enquiry is brought to the Strategic Planning Committee to inform members of a potential major planning application which is likely to be submitted for a mixed use development on the former Kirklees college site that is located to the North of Huddersfield Town Centre, Castlegate. The forthcoming major application would be brought to Strategic Planning Committee for determination given the size of the site and the quantum of development proposed.
- 1.2 Kirklees College vacated the site in 2013 and relocated to new purpose-built accommodation. The site has declined substantially and has been subject to damage and vandalism, becoming derelict within the centre of Huddersfield. Details of the proposal and the associated issues are summarised in this report.

2.0 SITE AND SURROUNDINGS

- 2.1 The site is located adjacent to the west of Huddersfield Town centre ring road (Castlegate A62). The site is elliptical in shape extending to approximately 2.46 hectares (6.09 acres), and is bounded on all sides by the extensive road networks comprising Fitzwilliam Street, Portland Street, New North Road and Trinity Street. The site comprises the former Kirklees College Campus and includes a range of buildings of approximately 5 storeys in height that were built as tower blocks in the 1970s. Also within the centre of the site is the Grade II* listed former Huddersfield Infirmary Building, the Grade II Listed King Edward VII Statue and associated car parking space.
- 2.2 The wider context of the site can be summarised as retail and commercial uses within the town centre to the east, primarily residential to the south and north and Greenhead park to the west which provides a green island of open space for leisure and recreation purposes within a predominantly residential area.
- 2.3 The site is very accessible with Huddersfield train station situated within walking distance from the site (approximately 350m to the east), Huddersfield bus station being a comparable distance away to the south east, both of which are accessible via the existing subway crossing the A62. The A640 and A629 both head northwest to junctions 23 and 24 respectively of the M62.
- 2.4 The northern part of site is within the Edgerton Conservation Area.
- 2.5 From the site existing views are available to the surrounding hill lines. In particular key views of Castle Hill to the south and Cowcliffe Ridge to the north exist. The applicants state that the proposal has been informed by the 2016 Castle Hills Setting Study, in particular respecting the views of importance.

3.0 PROPOSAL:

- 3.1 The proposal involves the erection of mixed-use development within 8 buildings, retention, repair and redevelopment of Grade II* listed building and retention of Grade II listed statue. Additionally, construction of associated access, surface and undercroft car parking and landscaping and demolition of all other existing buildings. The quantum of development proposed is likely to consist of the following elements:
- Residential Dwellings – 187 (153,611 ft²)
 - Use class A1 Retail and Shops - (30,397ft²)
 - Use class B1 Offices - (44,556 ft²)
 - Use class C1 (Hotel) - 102 bedrooms (40,470 ft²)
 - 292 vehicle parking spaces
- 3.2 The scale and form of the proposal varies from predominantly 4 to 6 storeys on the northern part of the site (Buildings 1-7 on the illustrative masterplan)

and a 11 storey building on the southern part of the site that would contain a (Building 8 on the illustrative masterplan)

- 3.3 Primary vehicular access is off Trinity Street and Portland Street due to the eastern site boundary being flanked by either the busy A62 or the one way, New North Road. This access point was also in the previous retail application on the site.
- 3.4 Vehicle access within the site loops around the front of the original infirmary building and back out onto Portland Street. This 2 way direct route will allow vehicles to enter and exit the site efficiently, with minimum impact on pedestrian safety. Surface and undercroft parking breaks out from this primary route.
- 3.5 Should a planning application be forthcoming for this type and scale of development it is likely that the planning application would be a hybrid application with the northern part of the site being in outline form with the southern part being detailed. The hybrid planning application is expected to be supported by relevant supporting technical works. These are envisaged to include the following:
- Planning and Retail Statement;
 - Design and Access Statement;
 - Phase 1 Ground Conditions Assessment;
 - Flood Risk, Foul and Drainage Assessment;
 - Transport Assessment and Travel Plan;
 - Ecological Assessment;
 - Heritage Assessment;
 - Noise and Vibration Assessment;
 - Arboricultural Assessment;
 - Air Quality Impact Assessment; and
 - Coal Mining Risk Assessment.
- 3.6 A Environmental Impact Assessment screening opinionion request has been received from the applicants and this is currently being processed.

4.0 CONSULTATION RESPONSES:

- 4.1 As part of the pre-application enquiry process a number of key consultees within the Council have been contacted to seek their advice on the potential implications of such development in this location and the measures required to mitigate the associated impacts. These consultees are identified and their views are summarised as follows:

KC Highways

- 4.2 Based on the information submitted, Highways DM have no objection in principle to the development on this site. Further information is required in relation to the Traffic Assessment and Travel Plan of which the scope is currently being discussed with the applicants. Initial highway works are

envisaged to be related to the enhancement of the subways and improvements to pedestrian and cycle connectivity.

KC Environmental Services

4.3 Noise

Environmental Health have reviewed the application and require a noise report which details how the residential part of the application will be protected by noise from road traffic and any commercial sources. It may be that the commercial part of the application will require restricted opening hours due to the proximity of residential units to protect their (residential) amenity through the night.

4.4 Contaminated Land

Due to the number of residential units and some of the site on land identified as potentially contaminated land, as per the Kirklees Contaminated Land Strategy, the applicant will need to provide a phase 1 contaminated land report. This may lead to further intrusive investigations depending on the initial report.

4.5 Air Quality

In accordance with the West Yorkshire Low Emission Strategy this development is regarded as a Major development because it exceeds the prescribed value set out in the guidance and is adjacent to an area of known poor air quality which has recently had a detailed assessment conducted.

Consequently the following reports are required to be submitted with a planning application.

- Low emission travel plan
- Full Air Quality Impact Assessment including calculating the monetary damages from the development.

Note: The monetary value of the damages should be reflected in money spent on low emission mitigation measures

KC Biodiversity Officer

- 4.6 A previously recorded bat roost is located within the site and swift have previously been recorded on tall buildings within the area. Mitigation of the impacts are likely to be acceptable. The site possesses opportunities for ecological enhancement through well designed planting scheme or green walls/roofs. Details will be required to be submitted with the forthcoming planning application of ecological mitigation and biodiversity enhancement measures.

K C Flood Management

- 4.7 The applicant should investigate flood risk to the site that could pose a risk to the development and consider whether they would be required to develop

protection measures. The site appears to be located within Flood Zone 1 and has a 0.1% chance of suffering Main River or Tidal flooding.

Flood Zone definitions are set out in the National Planning Policy Guidance: Flood Zone 1 - land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%)

- 4.8 The Environment Agency Surface Water Flood Map the site does appear to have areas of surface water flood risk to a low to high degree in discreet locations throughout the site. There may be pooling or a flow pathway within the development boundary meaning that due consideration should be given for potential impacts. The applicant should consider what measures may be required to protect the properties from such flows within the development and be mindful not to increase the risk of flooding to properties elsewhere. As part of any application it is now good practise to show proposed flow routes through the development in exceedance events therefore we request the applicant display flow pathways up to the first flood that runs off the site.
- 4.9 Existing Waterbodies
There are no recorded waterbodies in the immediate vicinity of the site however there does appear to have some waterbodies in the surrounding area, the applicant should consider whether these could pose a risk to the site and provide any necessary mitigation.
- 5.0 Surface water discharge
All discharges should be assessed using the hierarchy of preference, that is-
1. Infiltration
 2. Watercourse
 3. Sewer
- 5.1 For this application the site is a mix of urban and commercial units therefore the site should fully investigate the opportunity to include above ground SuDS in the form of swales and attenuation basins that will provide visual amenity water quality improvements. Within such a culturally rich area and considering the progressive evolution of the site an innovate SuDS strategy incorporating attenuation and storage within landscaped areas would add considerable value and quality to the area.
- 5.2 Adoption and Maintenance
The applicant should appraise at the earliest opportunity the possibility for systems within the development to be adopted and what maintenance requirements these systems may have. The applicant should as part of the development follow good practise in CDM and ensure that systems can be safely maintained and replaced. This means avoiding attenuation systems being at excessive depths, safe access and egress to systems, avoiding confined space working where possible and minimising requirement for confined space work.

KC Trees

- 5.3 While the trees affected by this proposal do contribute to the aesthetics of the area, they have been significantly constrained by their close proximity to existing buildings on site. For this reason when the buildings are removed not only will the trees look disfigured but they will also be open to new wind pressures, therefore more liable to wind throw. For this reason their loss is acceptable and would be needed as part of any redevelopment to avoid potential future safety issues.
- 5.4 A small number of mature trees along the boundary of the existing car with New North Road are significant features of the locality, and are protected by the conservation area and have not grown close to buildings and should be retained. Given the number of trees to be lost along the ring road, any planning application would need to be supported by a landscaping scheme which includes some replacement tree planting along the ring road frontage.

KC Conservation and Design

- 5.5 This site has been the subject of several meetings and discussions over how it could be successfully developed. The former hospital, which is situated in the centre of the development site, is listed Grade2* with the most northern part of site being within the Edgerton Conservation Area as well as the statue being listed Grade 2 separately.
- 5.6 The proposal is for the demolition of the former nurses accommodation to the north, the two rear wings to the former hospital and the 1970's college buildings; the latter buildings are of no interest. The former nurses accommodation is considered to be listed as curtilage listed buildings, the two rear wings are considered to form part of the principal listed building and as such LBC is required. Under the legislation, the amenity societies are required to be notified of the demolition the rear wings and Historic England notified over the loss of the nurses accommodation not only due to the amount of demolition in a conservation area but the quantum of new development as well. I would strongly urge that the developer engages with Historic England at the earliest opportunity.
- 5.7 To fully understand the development and the significance of the site, a Heritage Impact Assessment is required which should not only address the importance of the development but guide it in terms of how the various new buildings will impact upon this importance. Officers note that a heritage conservation practice has been appointed and Officers are awaiting their considerations but until that time it is difficult to assess the harm and address the public benefits the development may have.

Strategic Housing

- 5.8 182 new affordable homes need to be provided each year in Huddersfield South. There is currently a need for affordable 1- 2 bedroom homes and a

greater need for affordable 3 bedroom properties in particular. There is also a need for affordable 1-2 bedroom homes for older people specifically.

In terms of tenure, the area has a lower level of home-ownership (60%) compared to other areas within Kirklees. 20.1% of homes are rented privately whilst 19.5% of homes are socially rented. House prices in Huddersfield South are lower in comparison with other areas in Kirklees. House prices range from around £85,000 to 157,000

- 5.9 The draft Local Plan advises that the Council seeks to secure 20% of dwellings on sites with 11 or more dwellings, for affordable housing. The interim policy also advises that on-site provision (housing) is preferred however where the Council considers it appropriate, a financial contribution to be paid in lieu of on-site provision will be acceptable. The Council welcomes this application and is open to discussion with the applicant regarding affordable housing.

Ward Members

- 5.10 Cllrs Cooper, Turner and Allison were consulted and raised the following concerns:

- Scale and impact upon the Listed Buildings and other Heritage assets
- Management of affordable housing
- Hotel operator

6.0 MAIN ISSUES

- 6.1 It is considered that the main issues which would need to be fully addressed by the applicant in any subsequent planning application can be summarised as:

- The principle of development with regard to the Unitary Development Plan and national planning policy guidance.
- The quantum of retail and town centre use floorspace proposed and the consideration of retail policy requirements.
- Effects on proposed and existing dwellings including impacts associated with noise due to the mix of uses proposed and the close proximity of commercial uses and residential units
- Scale and impact of the development upon the Listed Buildings and the Edgerton Road conservation area and general urban design considerations
- Environmental impact including the potential effects on local hydrological systems, ecology and existing trees on site
- Effects on Highway safety including impacts on the surrounding vehicular and pedestrian highway network.

- Economic impacts of this level of investment within the locality

Principle of development

- 6.2 Paragraph 19 of the NPPF states:
The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage 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.
- 6.3 The site is unallocated within the Kirklees Unitary Development Plan (UDP) and is allocated as a mixed use site (Site Ref: MX1906) of the draft submission Local Plan which is currently undergoing Inspector Examination. Whilst the Local Plan is at a well progressed stage and considerable weight can be attributed to its policies, it is the policies of the adopted UDP that carries the full weight in terms of decision making.
- 6.4 The southern section of the site benefits from an outline planning permission for the demolition of existing buildings and erection of a food retail unit (A1) with associated site works, parking, access and landscaping which was approved with conditions by the Council on the 27th June 2016 under (Ref: 2015/93827).
- 6.5 The site is classed as a brownfield site within the Huddersfield Town centre, however in terms of retail policy assessment of any forthcoming application for retail uses, the site is classed as edge of centre(outside of the primary shopping area). The retail assessment to accompany a planning application would need to be accompanied by a sequential test and impact assessment to justify the quantum of retail floorspace outside of the primary shopping area.
- 6.6 Given that permission has previously been granted for 2,470 sq m of retail floorspace on the site and notwithstanding detailed assessment of the scheme (currently 2,824 sq m A1 retail) when it is submitted, the principle of development is considered to be acceptable. Consideration would be given to the material considerations of the benefits that would accrue in terms of regeneration of a key site and a significant level of investment and employment generation that would weigh against any identified harm to heritage assets or character.
- 6.7 Whilst the council's consultation responses give an early indication of the issues that require consideration these will be fully assessed as part of the planning application process.
- 7.0 Recommendation
- 7.1 That members note the contents of this report for information.

KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

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

05 October 2017

PLANNING APPLICATION - 2017/91623

ITEM 12 – PAGE 7

ERECTION OF 58 DWELLINGS AND ASSOCIATED MEANS OF ACCESS

LAND AT, DUNFORD ROAD, HADE EDGE, HOLMFIRTH.

Correction

Paragraph 11.2 of the committee report states “The proposal will secure community benefits in terms of affordable housing, education and an off-site contribution towards Hade Edge Recreation ground and junction improvement works”.

This should read “The proposal will secure community benefits in terms of affordable housing, education, and highway improvement works”.

Additional Representations

The HEFF group wrote to Councillor Greaves on 2nd October. They have raised a number of issues which they do not consider have been properly taken into account. These are included below with responses:

It is acknowledged that the site is in an unsustainable location. Despite this, the scale and type of housing proposed has not been adequately considered as the view of Officers seems to be that the supply of new housing is paramount.

Response: It is acknowledged that the village of Hade Edge is poorly served by public transport and future residents would be likely to rely on private car for accessing shops, services and employment. However accessibility is one aspect of sustainability.

The National Planning Policy Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 7 of the frameworks defines the three dimensions of sustainable development as economic, social and environmental. The proposal will provide social sustainability benefits through the provision of dwellings, including affordable housing to meet a range of housing needs. The proposal will also generate a range of direct employment opportunities. Officers consider that overall, being mindful of the three elements of sustainability and the material planning considerations that the proposal does amount to sustainable development.

The Peak District National Park Authority has recommended refusal of the applications on the basis that the proposals would be incongruous and have

an adverse effect on the setting of the National Park and that significant amendments should be required. These comments have not been properly addressed by officers. The only amendments to take place to the scheme following the last Committee have been immaterial by way of inappropriate new landscaping and minor changes to what are standard housing types.

Response: The Peak Park advised that the density and layout of the development be revised to provide a more urban character rather than a sub-urban character, that the dwellings be constructed of natural materials, that a landscape buffer be introduced to the southern edge and stone walling to the streetscape. In response the applicant has submitted a landscape plan with a buffer to the boundaries of the site and walling to the street scape. It is considered the proposed mitigative planting will now integrate the proposed development into the rural village landscape. The proposed dwellings would now be constructed of natural stone. The comments regarding a more urban layout is not considered to be appropriate in this village setting; suburban layouts are generally more spacious and contain greater areas of landscaping. The layout is considered to be well designed and not out of keeping with local character. It is considered that the applicant has addressed the majority of the concerns raised by the Peak Park Authority.

The Council's own landscape architect is critical of the developer's proposals and concludes that the landscaping proposed does not pay respect to the locality. Again, these comments have been overridden by planning officers on the basis that the benefits of housing provision outweigh the landscaping concerns.

Response: The Council's landscape officer is satisfied that there would be no detrimental impact on views from the Peak Park. The landscape plan has been updated since the landscape officer assessed the Visual Impact Assessment and made comments on the proposed landscape plan. The proposed landscape plan now includes buffers to the boundaries of the site which is considered to be a significant improvement.

We have also considered the Council's Habitat Regulations Assessments and in-combination assessments of the impact on protected sites. We have figures to show that the impacts have been grossly understated and we have responded to your Officers in detail on this matter.

Response: The Council have undertaken an In-combination Effects assessment which has been agreed by Natural England. Officers have received a further representation dated 4th October which is addressed below.

The general view of Officers seems to be that in the absence of a 5 year supply of housing, the supply of new housing overrides all other issues. We strongly disagree with this assessment, we believe that there are significant issues here which outweigh the benefits of the proposals. Indeed, the recent appeal decision by the Inspectorate upholding refusal of the Washpit Mills development (closer to Holmfirth than Hade Edge), on grounds of sustainability and accessibility, and recent decisions of the Supreme Court (Suffolk Coastal Council and Richborough Estates cases) explicitly demonstrate that the 5 year supply of housing land is not the overriding factor.

Response: The Supreme Court Judgement reinforced the primacy of the development plan in decision making. The planning balance weighs all material considerations together, and officers have concluded that in this case the major contribution the proposal makes to the housing supply outweighs the loss of the green field site. These positives and the economic benefits to

the economy at a time when the council do not have a 5 year housing supply are considered to outweigh any perceived harm. The recent appeal decision at Washpit Mills, although not directly comparable, does highlight the need to balance competing considerations. In this instance the accessibility considerations of the development do not outweigh the positive benefits of the application, and it is considered that the application does deliver sustainable development when considering all the elements of sustainability.

In our response to the 2016 application, our highway consultants drew attention to the unsustainable location of the site in transport terms and to a potential highway safety issue at the junction of Dunford Road and Penistone Road. At the Committee meeting in August, Members decided that highway improvement works were necessary and this is recorded in the Committee report for this meeting. We agree that highway improvements are necessary but the way that Officers are proposing to tackle this issue in the Committee report is quite wrong and does not meet the relevant regulations. Once works are deemed necessary, a scheme of works should be prepared and costed, the full cost should be borne by the applicant and the works carried out to an agreed trigger date – in this case we believe that should be before the development is commenced. The Committee report states in para 10.43 that delivery of off- site improvements is not to be tied to the developer beyond the obligation to pay the contributions at set times in the build process in the absence of an agreed and costed scheme of works this is an incorrect way to deal with the matter and if consent were granted it leaves the Council open to a judicial review.

Response: In the previous meeting Members indicated that highway improvement works were necessary to mitigate against the development, and that the proposed Public Open Space contribution should be re-allocated for Highway Improvement Works. The officer recommendation reflects the views of Members. The applicants have prepared a draft 106 agreement that states the developer covenants not to permit occupation of more than 50% of the market dwellings until the Highway Works Contribution has been paid to the Council, and that the Council covenants to apply the contribution towards highway improvement works at the junction of Penistone Road and Dunford Road and that if the whole or any part of the sum has not been spent on such purpose within five years of the date of the final payment this is repaid. If Members are minded to approve the application and resolve that highway improvement works are necessary to mitigate against the impacts of the development, then the trigger points in the 106 can be revised to reflect the resolution of Members. In respect of a possible junction improvement the land required is unregistered and the process of undertaking such improvement works will be dependent on separate process and on whether any landowner comes forward to claim ownership.

During the last planning meeting you asked about the history of the allocation of the land in the Local Plan. Members should also be aware that the proposed allocation of the site for development in the emerging local Plan was a late change by Officers and that our Group has made objections to it. Those objections include a demonstration by us that the methodology and assessment of sustainability and settlement appraisal in the supporting documents for the emerging Local Plan are flawed and unsound in respect of the village site. We have been allowed places at the relevant inquiry sessions in order to debate the relevant policy issues, these sessions are due to commence shortly, if you are in any doubt the very least you can do is defer

this application to allow that work to take place – it could affect the Council’s view of sustainability and the future allocation of the site.

Response: The government requires PA to be determined within a timely manner Officers consider it would not be reasonable to delay the determination of the application until the Local Plan examinations have taken place. The assessment of the application has been made in accordance with the Statutory Development Plan and all other material considerations.

The grant of consent for development of POL sites should not be treated as a blanket strategy of the Council, all material considerations need to be taken into account.

Response: The assessment of the application has been made will full consideration for all material considerations.

Our village group (HEFF) has been in touch with your Officers from an early date and prior to the submission of the first planning application in 2016. It became clear to us some time ago that Officers were determined to grant consent despite a number of material issues and many objections and to do so in undue haste, that is illustrated by the deferral of both applications at the August Committee as some key consultation responses had not been received. Officers also seem set on approving a scheme for as many houses as possible in an unsustainable location and have not to our knowledge been prepared to challenge the form of development or its proportionality to our small village.

Response: Officers have challenged the applicant both at pre-application stage and during the course of the application regarding the density and layout of the proposal, and the previous lack of any landscaping that mitigates the development. The plan has been revised to omit one dwelling from the scheme which has improved the relationship between some of the dwellings, and a landscaping scheme has been submitted. There would be no detrimental impact on views from the Peak Park, and in respect of the immediate surroundings, it is considered the proposed planting will satisfactorily integrate the proposed development into the rural village landscape.

An additional representation has also been received raising concerns regarding the content and availability of the HRA reports produced for the application.

Summary of objection

HEFF have indicated that they do not accept the findings of the project level HRA on the following grounds:

- Do not agree with the identification of projects to be considered as ‘in combination’
- Do not agree with the traffic data used
- Do not believe in combination effects have been considered in relation to neighbouring authority plans
- Do not agree with the assessment of recreational impacts.

The representation also questions the use of a 1 km buffer to assess in combination recreational pressure.

HEFF, in the email, state they do not agree with the decision not to consult the public.

Objections are made in relation to the Local Plan HRA and the project level HRA.

Response

The objections of the HEFF group are noted, in particular the objection to the decision not to consult the general public.

It was considered, given the previous number of representations submitted by HEFF, which includes reference to HRA and information relevant to the ecology of the wider area, that sufficient opportunity has been afforded to local residents to present data that might affect the conclusions of the HRA. All information submitted by local residents has been evaluated to determine if it contained data relevant to the outcomes of the HRA. The LPA therefore considered that it was not necessary to consult the general public further, and this position is maintained.

The project level HRA has been undertaken by the LPA, in consultation with Natural England, and the findings are considered to be an accurate assessment of the potential for adverse effects on the integrity of the European protected sites.

PLANNING APPLICATION - 2017/91796

ITEM 14 – PAGE 57

DEMOLITION OF EXISTING BUILDING AND ERECTION OF CLASS A1 FOODSTORE, FORMATION OF CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS

Additional representations received.

The following was received on behalf of Lidl UK GmbH, maintaining an objection to the proposal.

Lidl's previous objection to the application should be read alongside this. In particular, the earlier letter demonstrated that the scheme:

- Results in the loss of a much needed employment site without robust justification;*
- Results in significant adverse impacts on the highway network by adding unacceptably to traffic impacts in the surrounding area;*
- Fails to address the sequential approach to flood risk;*
- Would result in a significant adverse impact upon Holmfirth Town Centre which would undermine its health and ongoing vitality and viability; and*
- Fails the sequential test as a sequentially preferable site is available to accommodate the proposed development.*

This letter supplements our earlier letter and provides further commentary in response to the retail impact and sequential test information submitted by Planning Potential, on behalf of the applicant, in their letter dated 24th August.

Sequential Assessment

We have previously identified the Keith Drake / Reins Depot site as being a sequentially more preferable site for retail development. This was established in the Midlothian Garage appeal decision (APP/Z4718/A/13/2191213) which was issued on 12th September 2013.

Whilst the applicant describes how the site is not considered available for development (thus dismissing it as not being sequentially preferable), it is not clear as to what has changed to make the site 'unavailable' since the Midlothian Garage appeal decision was issued in 2013. Whilst reference is made by the applicant to Council officers confirming in June 2015 that the site is not available for disposal, the evidence for this has not been made publically available, nor any further evidence provided by the applicant to confirm that this remains to be the case more than 2 years later. The sequential test cannot, therefore, be considered to be satisfied until these matters have been investigated further.

Retail Impact

As demonstrated in the updated sensitivity test, the application proposals give rise to significant trade diversion impacts on a number of existing businesses within Holmfirth, including Lidl (-23.3% impact) and the Co-operative (-13.2% impact), with the latter being acknowledged as an important 'anchor store' within the Midlothian Garage appeal decision. Without repeating the retail impact concerns raised in Lidl's previous objection letter (as well as those raised by the Pegasus Group on behalf of the Co-operative), it remains the case that if the future viability of these businesses is undermined by the application proposals, and one or both of the stores is forced to close, then, ultimately, this will be to the detriment of local consumer choice and to the vitality and viability of Holmfirth Town Centre as a whole.

Summary and Conclusions

In overall conclusion, the proposals fail the sequential and impact tests set out in both local and national planning policy and represent a clear threat to the future vitality and viability of Holmfirth Town Centre.

On this basis, Lidl UK GmbH maintains its objection to the current application and would urge the Council to refuse planning permission for the proposed development.

The content of the additional response is noted however this does not raise any issues that are not addressed within the main agenda.

A document has been submitted on behalf of the applicants, and has been widely circulated. This is attached below.

OUTLINE APPLICATION FOR ERECTION OF B1 LIGHT INDUSTRY

Highways

- Highways DM requested the submission of an accompanying Road Safety Audit process. This information has not been submitted by the applicant. However, there is sufficient detail contained in the application in order to make a decision and there are no objections from Highways DM to the proposed access plan submitted, subject to an additional condition requiring the submission of a Road Safety Audit and final details of the design of the access to be agreed.

ERECTION OF 99 DWELLINGS

CALDER VIEW, LOWER HOPTON, MIRFIELD.

Layout

The applicant has submitted a revised layout which alters the number and position of garages within plots. The changes are not considered to be significant and do not materially affect the nature of the layout as originally submitted.

A revised Public Open Space layout has been submitted which includes additional provision of bins and alterations to the play provision. These amendments are considered acceptable by the Landscape Officer.

Drainage

Comments from the drainage engineer are summarised in the officer report. However, for completeness, the following comprises the detailed comments provided by the Drainage Engineer:

Kirklees Flood Management & Drainage has taken a holistic view on this development given permission was granted for McInerney Homes by Planning Inspectorate to construct 203 properties on this site, accepting that the access roads would flood. Flood risk in reality is greater than perceived by the Inspectorate, compounded by the administration of McInerney Homes leaving a part developed site.

Salient points to note alongside our response are:

- *The existing permission could be completed without further comment.*
- *The majority of drainage infrastructure is already installed.*

- *This application presents an opportunity to improve and/or better manage current flood risk.*
- *Stopping flooding on the access road is not practicable and was accepted as such by the Planning Inspectorate.*
- *Sewer adoption and road adoption requirements and agreements are dealt with via applications to Yorkshire Water and Kirklees Council Highways respectively under separate legislation outside the planning process. Requirements for these bodies to accept risk could be more onerous than for planning approval.*

Main River Flood Risk

The housing development area is almost entirely in flood zone 1 – Low Risk. Plots which are located in flood zone 2 and the single plot located in flood zone 3 are highlighted within the FRA with suggested mitigation measures. The Environment Agency will comment on main river flood risk with regard to the suggested finished floor levels.

The river Calder has recently been remodelled and a revised SFRA has been published by Kirklees Council in 2016. This clearly shows that access areas are defined as being located in zone 3ai – very high risk. Evidence submitted indicated that the river will top its banks at least every two years.

This situation is complicated by the lowest spots on site being below bank/grip levels originally provide space for all vehicles to enter site under the railway bridge. This causes a situation where river flooding occurs as drainage outfalls are surcharged without the banks being overtopped several times a year and reaches significant depths twice a year on average.

Kirklees Flood Management & Drainage will offer an opinion here as the main river flooding is interacting with surface water drainage systems.

We welcome an exploration of potential techniques employed to reduce depth of flooding under certain return periods (within 1 in 2 year river levels) but feel it necessary to advise the LPA that the depth reduction may not be significant even if successful and will still be subject to deep frequent flooding from overtopping of the bank. Our advice is that residents are unlikely to conclude that there has been material improvement to the strategies promoted.

We also conclude that the development of 99 extra properties that will not drain in this direction will NOT increase the likelihood of flooding under the railway bridge.

The properties can be constructed in accordance with NPPF guides on flood risk in terms of finished floor levels. The consequences of flooding on this site will also be largely unchanged, i.e. cars are vulnerable to becoming trapped/partially submerged under the railway bridge.

We recognise that there will be an increase in vehicle movement however. This would be the case if the original approved application was completed also.

Residual risk from after any mitigation measures in this area is significant therefore. We therefore advise that to strike a balance between NPPF requirements and the understanding that the development could be completed under the original approval.

We advise that the planning officer concentrates on section 102/103 NPPF where:

- The site should, where possible, reduce overall flood risk. The developer should continue to explore the practicalities of schemes promoted in the application.*
- Use the opportunity of the application to re-examine the possibility of a safe access/egress route. Concentrate on rectifying issues on the designed emergency access.*
- Residual risk is safely managed. Inform and better manage movement on site through signage/warnings etc, managed via a management company until such a time that the highway authority is prepared to adopt the road network.*

The final point would seek to impose a condition in accordance with original condition 10 applied by the Planning Inspectorate which alludes to the management of safe access/egress of the emergency routes including the installation, operation and maintenance of any mechanical or electronic equipment including advanced warning signs, surface treatment and subsequent maintenance of the access and suitable warning and evacuation procedures.

Surface Water Flood Risk

In addition to contribution to the current flood risk associated with the area under the railway bridge which has been discussed, surface water flood risk maps do show isolated areas of concern in existing housing development area, however blockage and exceedance scenarios would appear to be able to be managed given the proposed layout and likely positioning of attenuation. This will need some justification however.

Minor Watercourses

There is a minor watercourse tributary to the river Calder that is shown positioned between Calder Close and the bridge across the railway. Further research is required starting with an exploration at the river Calder for the outfall location, in order to avoid building over or close to this system should it exist. We are happy to meet on site to move this aspect forward.

Surface Water Drainage

None of the proposed properties drain to the problematic area under the railway bridge.

A separate system is largely constructed but as confirmed in the FRA/Drainage strategy, it doesn't appear that any outfall from the flow control manhole/attenuation tank to the river Calder has yet been installed.

We welcome a fresh examination of this system in relation to any new design, again noting that the existing approval could still be built. It should also be noted that the design standard in 2001-2006 could have been the 1 in 30 year storm event. An area does however exist to provide safe above ground storage.

An estimate of the suspected design discharge has been promoted in the absence of any readily available record of agreed discharge which would have rested with the Environment Agency at this time. We would challenge any restriction to greenfield rates, currently promoted by the EA, as being unfair and not reasonably practicable for the development given that this was a former mill site. A quick assessment from aerial photographs in line with current Kirklees guidelines on brownfield development suggests that the estimated figures are in line with a reduction of previous hardstanding on site. It would be impossible for the developer to produce a previous drainage plan of the site to verify this and therefore a pragmatic view should be taken in this instance.

Officer response – in respect of the above, a number of these matters are being dealt with as part of the S38 process. With respect to the minor watercourse on site, the applicant has stated that watercourse in the centre of the site has been investigated by them and previously by McInerney and is believed to be historic. As detailed in the officer report, a planning condition is recommended to deal with drainage details within the application site.

Additional comments from Drainage Engineer

I have stated that flooding of the emergency access route may be due to poor quality of the bund and interface with the bridge, possibly groundwater movement and there is the unknown of the bridge deck itself. I feel to state categorically that connecting the gullies in this position to the proposed pump station will solve the flooding is misleading (as detailed in officer report). That is an assumption.

Officer response – It is accepted that the additional remedial works proposed as part of the S38 adoption process may not significantly improve flooding issues experienced at the site access. However, at the very least, it is intended to ensure that the emergency access remains accessible at times of flooding along with the provision of appropriate warning signage.

Conditions

As per officer report apart from:

Condition no7 as recommended in the officer report should also include a requirement for signage details to be submitted to and approved in writing including a schedule for maintenance.

An additional condition is proposed in order to deal with any existing watercourses within the application site.

Planning Obligation

A draft S106 agreement has been submitted for consideration and this includes the requirement for a commuted sum towards highway maintenance as detailed in the officer report and also includes a mechanism for ongoing maintenance of the Public Open Space.

PLANNING APPLICATION - 2017/91677

ITEM 17 – PAGE 109

ERECTION OF 43 RETIREMENT LIVING APARTMENTS, 83 BED CARE HOME WITH PROVISION OF COMMUNAL FACILITIES, LANDSCAPING AND CAR PARKING AND ERECTION OF 7 AFFORDABLE DWELLINGS

LAND AT, SERPENTINE ROAD, CLECKHEATON.

Impact on residential amenity

- As detailed as a requirement in section 10.23 of the officer report, the applicant has submitted additional detail including a shadow path analysis. This reveals that the nearest properties (no's 21 and 23 George Street) and their respective garden/yard areas would not be significantly affected by potential overshadowing during spring, summer or autumn. There would be a slight impact on the garden/yard areas at certain times of the day during spring and summer. In terms of the impact during winter, there would be potential overshadowing of the garden/yard area of no's 21 and 23 with some potential impact on the dwellings. However, it is noted that the garden/yard area would largely be unaffected during the spring and summer months when it might reasonably be expected that occupiers of dwellings would wish to use their outdoor amenity space. The proposal also includes landscaping along the boundary with no's 21 and 23 and additional fencing.

- The Council's Drainage Engineer has assessed the submitted information and raises no objection, subject to the imposition of two drainage conditions requiring full drainage details and discharge rates to be submitted and agreed.
- Following the submission of a noise report submitted by the applicant, the Environmental Health officer recommends that the sound attenuation scheme specified in the submitted noise report is implemented and a further assessment and report produced in order to demonstrate that noise has been effectively attenuated.

Affordable Housing Contribution

- The affordable housing tenure split as detailed in the recommendation section of the report states that 4 of the proposed townhouses would comprise affordable rent with 3 being intermediate housing. Whilst the applicant still intends to provide the tenure split on this basis, they are seeking some flexibility and therefore, request that should the tenure split be altered then this be agreed first with the Council.

Conclusion

- Whilst the application is considered to result in acceptable levels of amenity for the occupiers of the nearest properties for most of the year and during the summer months, there would be some impact on the nearest gardens/yards during the winter months. Overall this is considered to constitute a relatively minor adverse impact which, when weighed against the wider benefits of the scheme concerning the redevelopment of a brownfield site, the improvement the scheme would make to the character and appearance of the area, and the boost to housing supply for the over 55's in the local area; overall the proposal constitutes a sustainable form of development.

Planning permission is recommended for approval subject to:

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 contained within the officer report and secure a section 106 agreement to cover the following matters:

1. 7 dwellings to be affordable with a tenure split to be agreed with the Council. Affordable units provided prior to 50% of the Retirement Living units being occupied.

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.

PLANNING APPLICATION - 2017/91208

ITEM 18 – PAGE 125

OUTLINE APPLICATION FOR ERECTION OF INDUSTRIAL DEVELOPMENT OF UP TO 3684 SQM B1C/B2/B8, WITH MEANS OF ACCESS (TO, BUT NOT WITHIN, THE SITE) FROM COLNEBRIDGE ROAD

LAND ADJACENT TO COLNEBRIDGE WASTE WATER TREATMENT WORKS AT COLNEBRIDGE ROAD, BRADLEY, HUDDERSFIELD.

Correction – in 10.2 of the officer report improvements to the greenway are mentioned. However, this proposal is not in close proximity to the greenway nor are any improvements or links proposed.

PLANNING APPLICATION - 2017/90955

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OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT

FOREST ROAD, DALTON, HUDDERSFIELD.

For clarity, the tenure split to be sought on the affordable housing units put forward as a community benefit on this site, and based on the identified need in the area would be 3 Affordable Rent units, 2 Intermediate units. This is compliant with the Council's Interim affordable housing policy and the applicant/agent has been made aware of this.

DEMOLITION OF EXISTING THREE STOREY MILL AND ASSOCIATED BUILDINGS AND ERECTION OF FACTORY EXTENSION ADJOINING THE EXISTING MILL BUILDING

RAVENSTHORPE MILLS, HUDDERSFIELD ROAD, RAVENSTHORPE, DEWSBURY

Drainage Matters:

Lead Local Flood Authority.

Consultation response received from LLFA, concerns raised regarding the disposal of surface water from the site. There are concerns that the disposal of surface water and measures to protect the site made lead to flooding elsewhere. Insufficient details have been provided in order for the LLFA to fully assess the proposals. The LLFA requested these details to be submitted pre-determination however it should be noted that this is a replacement building with a significantly smaller footprint on a brownfield site; therefore it is reasonable to require the details as a condition and therefore the following condition is suggested.

Prior to commencement of development a scheme to dispose of surface water from the development shall be submitted to and approved by the Local Planning Authority.

Ecology.

The Bat Survey was submitted on 25/09/17. The survey consisted of a dusk and dawn survey and there was no evidence of any bat activity and therefore no potential for bat roosts. The Council's Ecologist has agreed with the finding of the report and recommends the following condition:

The development shall be carried out in complete accordance with the proposed mitigation measures in the submitted Bat Survey.

OUTLINE APPLICATION FOR ERECTION OF 7 DWELLINGS WITH ASSOCIATED WORKS

LAND TO NE OF WICKLEDEN GATE, SCHOLDS, HOLMFIRTH.

Highway matters:

Further information had been requested from the applicant including details of levels along the access road to demonstrate road gradients and how the access would tie in with Wickleden Gate; swept paths for a larger size of vehicle than that shown; footways along the estate road; details of how the access relates to the culverted watercourse within the site and; a demonstration of sightlines from the access road.

An additional plan has been submitted which includes spot levels along the access Road. It is however considered that a long section should be provided to properly demonstrate gradients and how the access road would tie in with Wickleden Gate.

A swept path for a larger size of refuse vehicle (11.85m) has been provided although the applicant disputes the need for this because they have very recently witnessed a smaller size refuse vehicle serving Wickleden Gate. Environmental Waste nevertheless maintain that an 11.85m vehicle is used.

The revised swept path has resulted in a slight change to the layout and meant that the turning head cuts into the parking area for one of the plots. The layout meets technical requirements for the largest size of refuse vehicle (albeit a hard margin would need to be provided around the entire turning head) but it raises an issue with the provision of off-street parking for the affected plot. The amended turning head also detracts somewhat from the overall appearance of this part of the site. It is accepted however that the site can be adequately serviced for refuse collection. The parking for the eastern most plot would need further consideration.

A 2m wide footway along the estate road is provided in two sections. A short (c20m) section of footway is provided as a continuation of the existing footway adjacent to 27 Wickleden Gate. Where this terminates a footway is then provided on the opposite side of the estate road. Highways Development Management would prefer the footway to be continuous.

Details of how the access relates to the culverted watercourse within the site and a demonstration of forward visibility along the access road (sightlines) have not been provided.

There remain concerns with the configuration of the ramped access to the proposed community benefit area although this could be resolved.

In summary, certain highways information remains outstanding and if members are minded to approve the application then officers will need to resolve the outstanding matters.

Trees:

Officers accept the loss of the two protected trees which are proposed to be felled to facilitate the access. These two trees are a codominant group (being suppressed by each other) so individually they have poor form and the loss of one tree would then also require the loss of the other. The Ash tree in the group is also now showing signs of some tip die back, an indication of possible poor condition.

The layout offers scope for mitigating tree planting/ landscaping, including replacement tree planting as a gateway feature at the point of the new access; this should be possible within the open space shown on the plans to the east of the new access point and could form part of details to be approved under 'landscaping'.

Additional trees information has been received showing shading patterns from the protected trees. Based on this information the trees officer has raised an

objection to the first plot as you enter the site. This dwelling sits well within the projected shade patterns for two adjacent mature protected trees and is likely to lead to conflicts between future occupants and the trees, resulting in pressure to fell or excessively prune them through future tree work applications. The extent of the shading across the dwelling throughout the day would be very significant. There is scope to amend the layout to address this issue although it would involve setting development much further away from the protected trees. However as things stand this issue would amount to an additional reason for refusal because the development would prejudice the long term viability of existing (protected) mature trees within the site, to the detriment of the visual amenity of the area.

Management of the community benefit area:

The applicant has submitted some additional information which sets out how the wetland nature area/forest school would be managed.

“Whilst it is fully intended as a substantial community benefit and a facility for community use, the area will be screened through a combination of appropriate landscape fencing, tree planting and general landscaping. The facility will also be secure, with stewardship and access to the site a key consideration. It is likely in any event that health and safety, as well as insurance requirements, particularly as children are identified as key users, will be a key driver for this stewardship of the Community Benefit Area, as well as the ability to demonstrate to prospective homebuyers and existing surrounding residents that good management will be a key driver of such a facility.

Although issues for the management of the Community Benefit Area are to be resolved at the detailed stage, an initial Heads of Terms for the proposed management of the facility [has previously been submitted and is] repeated here for ease:

- 1. Health and Safety for all operatives, users, patrons and visitors to the facility*
- 2. Details of ecological management plans, including species-specific considerations where relevant*
- 3. Noise restriction and mitigation*
- 4. Light pollution restriction and mitigation*
- 5. Arboriculture and silviculture requirements and management provisions (so far as these shall not be covered by 2, above)*
- 6. Operational Restrictions on Days and Hours for Educational Provision*
- 7. Opening Hours for meetings outside of Core Operational Days and Hours*
- 8. Operational parameters for storage, including drop-off and collection*
- 9. Operational parameters for all users to preserve neighbour amenity*
- 10. Ad hoc and arranged maintenance and tidying provisions and requirements*
- 11. Security, Monitoring and Reporting*
- 12. Authorisations and access contingency management for the Wetland Forest School and Parking Area*
- 13. Booking and Usage*
- 14. Specific Restrictions*

15. Contact details and management requirements for authorised personnel acting as liaisons for community groups
16. A community facility which is inclusive, rather than exclusive
17. Details of handover to any organisation and/or engagement of external providers of expertise

It is difficult, though not impossible, to provide further details in the absence of specific reserved matters information. However, it should be noted that a detailed specific plan for the maintenance, management and stewardship of the Community Benefit Area is inextricably linked to the details of landscaping and, more importantly, an ecological management plan that will be formulated at reserved matters stage. By way of rudimentary example, management and maintenance of aspects of the Community Benefit Area, particularly the wetland, will depend on the ecological management plan (and possibly a construction management plan), which will entail different degrees of control, likely at different times of any year. For example, some of the management and maintenance in this respect may in fact require no disturbance of an area or species at a specified time of the year.

We are cognisant of the requirement to produce such a plan and fully expect that this will be controlled by condition (or possibly planning obligation) as part of the approval of reserved matters. Furthermore, the Council as Local Planning Authority will naturally wish to see this retained and managed in perpetuity, particularly if this Community Benefit Area is passed to another owner and/or user or operator. The Council will of course wish to make contingency for this at the detailed reserved matters stage and, as always, we will work with the Council on this.

We have been in only embryonic discussion with organisations that have proposed will take on, run, maintain and manage this facility, as well as investigating prospective useful external funding opportunities. However, progress on such discussions cannot realistically advance until this outline permission is granted. Nevertheless, our starting point is obviously that we will be financing this project ourselves, in both capital and revenue terms, engaging appropriate external expertise as and when required.

The passing of the ownership, management and stewardship of such a facility is a consideration, though this is not a certainty at this stage, but an option. The intention is that we will not be transferring the ownership of the site until we are satisfied that it achieves the necessary objectives and we are comfortable that it will be maintained and managed in perpetuity to the standards we, the Council, the new home owners and the wider community expect. In any event, we might wish to retain ownership of this area of land, to retain our own control over the facility.

What we can say with certainty now, is that it is more likely that we will retain all ownership of the Community Benefit Area during the construction, simply because the sensitivities and potential engineering complexities of the overall development, not least the road, can be appropriately managed to the high standards upon which we operate.

It is possible that the area of land will be transferred to a suitable organisation, with the relevant expertise and capability of taking such a project forward. However, it should nevertheless be noted that such a transfer, in our view,

should not take place until sufficient engineering works, particularly in relation to the road, have taken place, or these can at least be managed as part of such a transfer.

For completeness, in the very unlikely event that the Council would insist on a transfer of the land, following the above, we would request that this area of land should not be transferred until all concerned can be satisfied as to the engineering requirements and operations that will make this development a success, have taken place. In the alternative, such a transfer of this area of land must retain sufficient flexibility to allow what will be sensitive engineering works to take place.

We hope that this provides the Council with some comfort as to our intentions for the Community Benefit Area, in relation to its financing, maintenance, management and stewardship, which will run with the land”.

Updated recommendation:

Additional reason for refusal as follows:

2. The proposed layout would prejudice the long term viability of adjacent mature protected trees by introducing a new dwelling in very close proximity that would experience significant shading by these trees. This would result in the likelihood of pressure to fell or prune the trees in the future which would consequently be to the detriment of the visual amenity of the area, including the Urban Greenspace allocation. This would be contrary to Policies NE9, BE2 and D3 of the Kirklees Unitary Development Plan.
-