

Public Document Pack



**Service Director – Legal, Governance and
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Wednesday 25 October 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 2 November 2017**.

(A coach will depart the Town Hall, at 9.30am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in the Council Chamber at Huddersfield Town Hall.)

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

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

A handwritten signature in black ink, appearing to read "Julie Muscroft".

Julie Muscroft

Service Director – Legal, Governance and Commissioning

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

The Strategic Planning Committee members are:-

Member

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

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

Substitutes Panel

Conservative

D Bellamy
N Patrick
G Wilson
J Taylor

Green

K Allison
A Cooper

Independent

C Greaves
T Lyons

Labour

E Firth
C Scott
M Sokhal
S Ullah
S Pandor

Liberal Democrat

J Lawson
A Marchington
L Wilkinson

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Committee

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

2: Minutes of the Previous Meeting

1 - 18

To approve the Minutes of the meetings of the Committee held on 7 September and 5 October 2017.

3: Interests and Lobbying

19 - 20

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

4: Admission of the Public

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

5: 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: Public Question Time

The Committee will hear any questions from the general public.

7: Site Visit - Application No: 2017/92286

Change of use from existing industrial use (B1) to mixed use brewery with on-site public tasting room (brewery tap) and storage of alcohol/function at Unit 15, Heath House Mill, Heath House Lane, Golcar.

(Estimated time of arrival at site – 9.40am)

Contact Officer: Adam Walker, Planning Services

Wards

Affected: Colne Valley

8: Site Visit - Application No: 2017/91213

Extraction of minerals and subsequent reclamation to agriculture land to east of Arborary Lane and north of Whitehead Road, Crosland Moor.

(Estimated time of arrival at site – 10.00am)

Contact Officer: Glenn Wakefield, Planning Services

Wards

Affected: Holme Valley North

9: Site Visit - Application No: 2017/90143

Outline application for residential development at land adjacent to Lockwood Scar, Huddersfield.

(Estimated time of arrival at site – 10.40am)

Contact Officer: Nick Hirst, Planning Services

Wards

Affected: Newsome

10: Site Visit - Application No: 2017/92743

Outline application for erection of three dwellings at land adjacent to Upper Blacup Farm, Halifax Road, Hightown, Liversedge.

(Estimated time of arrival at site – 11.15am)

Contact Officer: Louise Bearcroft, Planning Services

Wards

Affected: Cleckheaton

11: Local Authority Planning Appeals

21 - 38

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

Contact Officer: David Wordsworth, Planning Services

Wards

Affected: Almondbury

Planning Applications

39 - 42

The Planning Sub Committee will consider the following 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 30 October 2017.

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

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

12: Planning Application - Application No: 2017/90443

43 - 54

Erection of 3 units for B1 (light industrial) and B8 use, erection of two storey office and alterations to existing building at Ratcliffe Mills, Forge Lane, Thornhill Lees, Dewsbury.

Contact Officer: Glenn Wakefield, Planning Services

Wards

Affected: Dewsbury South

13: Planning Application - Application No: 2017/91213 55 - 94

Extraction of minerals and subsequent reclamation to agriculture land to east of Arborary Lane and north of Whitehead Road, Crosland Moor.

Contact Officer: Glenn Wakefield, Planning Services

Wards

Affected: Holme Valley North

14: Planning Application - Application No: 2017/90143 95 - 106

Outline application for residential development at land adjacent to Lockwood Scar, Huddersfield.

Contact Officer: Nick Hirst, Planning Services

Wards

Affected: Newsome

15: Planning Application - Application No: 2017/92923 107 - 118

Formation of temporary car park (retrospective) at land off Gasworks Street, Huddersfield.

Contact Officer: Matthew Woodward, Planning Services

Wards

Affected: Dalton

16: Planning Application - Application No: 2017/92743 119 - 130

Outline application for erection of three dwellings at land adjacent to Upper Blacup Farm, Halifax Road, Hightown, Liversedge.

Contact Officer: Louise Bearcroft, Planning Services.

Wards

Affected: Cleckheaton

17: Planning Application - Application No: 2017/92286

131 -
140

Change of use from existing industrial use (B1) to mixed use brewery with on-site public tasting room (brewery tap) and storage of alcohol/function at Unit 15, Heath House Mill, Heath House Lane, Golcar.

Contact Officer: Adam Walker, Planning Services

Wards

Affected: Colne Valley

Planning Update

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

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Contact Officer: Richard Dunne

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 7th September 2017

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

1 Membership of the Committee

Councillor Bellamy substituted for Councillor D Firth.

2 Minutes of the Previous Meeting

Approved as a correct record.

3 Interests and Lobbying

Councillor Bellamy declared an other interest in application 2017/90207 on the grounds that she was a member of Holme Valley Parish Council.

Councillor S Hall declared he had been lobbied on application 2017/91221.

4 Admission of the Public

All items on the agenda were taken in public session.

5 Public Question Time

No questions were asked.

6 Deputations/Petitions

No deputations or petitions were received.

7 Site Visit - Application No: 2017/92235

Site visit undertaken.

8 Site Visit - Application No: 2017/92268

Site visit undertaken.

9 Site Visit - Application No: 2016/93948

Application withdrawn – at the request of the Applicant.

10 Site Visit - Application No: 2017/92237

Site visit undertaken.

11 Site Visit - Application No: 2017/91221

Site visit undertaken.

12 Local Authority Planning Appeals

That the report be noted.

13 Planning Application - Application No: 2017/92268

The Committee gave consideration to Planning Application 2017/92268 Erection of extensions, alterations to roofs and elevations and installation of sprinkler tank and pump house Cummins Turbo Technology, St Andrew's Road, Huddersfield.

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

RESOLVED –

- 1) 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 considered report including:

Strategic Planning Committee - 7 September 2017

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

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

For: Councillors Armer, Bellamy, S Hall, Kane, A Pinnock and Pattison (6 votes)
Against: (0 votes)

14 Planning Application - Application No: 2017/92235

The Committee gave consideration to Planning Application 2017/92235 Erection of new education building with the associated landscaping University of Huddersfield, Queens Street South, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Colin Blair and Iain Bath (speaking on behalf of the applicant).

Under the provisions of Council Procedure Rule 36 (1) the Committee received a representation from Cllr Julie Stewart-Turner (Local Ward Member).

RESOLVED –

- 1) Delegate approval of the application and the issuing of the decision notice to the Head of Development Management in order to complete the list of conditions contained within the considered report and the update list including:
 1. A 3 year time limit for commencement.
 2. Development to be In accordance with plans.
 3. Ecological design and landscape plan and maintenance.
 4. Construction Environmental Management Plan.
 5. Lighting Strategy.
 6. Material samples.
 7. Travel Plan update.
 8. Site remediation / validation.
 9. Dust suppression.
 10. Restricting ground works near pipes.
 11. Systems of drainage.
 12. Disposal of surface water.
 13. Stand-off distances.
 14. In accordance with Arboricultural report
 15. Submission of Environmental Management Plan

16. Provision of litter bins and towpath signage
 17. Submission of site security measures
 18. Provision of loading calculations upon the canal wash wall
 19. Details of SUDS maintenance/adoption
 20. Submission of Flood Risk Assessment, to include disposal of surface
 21. Water during construction
- 2) An additional condition that the applicant provides details of where the 25 parking spaces that will be lost from University Street will be relocated.

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

For: Councillors Armer, Bellamy, S Hall, Kane, A Pinnock and Pattison (6 votes)
Against: (0 votes)

15 Planning Application - Application No: 2017/90207

The Committee gave consideration to Planning Application 2017/90207 Outline application for erection of B1 light industry Thongsbridge Mills, Miry Lane, Thongsbridge, Holmfirth.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Nick Willock (Agent).

RESOLVED –

That the application be deferred to: allow further discussions to take place with the applicant regarding a refined access plan to the site and to review the proposed hours of operation; and arrange a Committee site visit.

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

For: Councillors Armer, Bellamy, S Hall, Kane and A Pinnock (5 votes)
Against: Councillor Pattison (1 vote)

16 Planning Application - Application No: 2017/92237

The Committee gave consideration to Planning Application 2017/92237 Erection of extension to warehouse and formation of car parking area J Roberts Bronze Components, St Peg Lane, Cleckheaton.

RESOLVED –

- 1) Delegate approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to secure details of an improved access and to complete the list of conditions contained within the considered report and the update list including :
 1. The development shall commence within 3 years of the date of approval.
 2. The development shall be completed in accordance with the approved plans.
 3. The car park shall be surfaced of permeable paving which shall be retained.
 4. Details of a lighting design strategy for biodiversity.
 5. Details of the design of the access layout including visibility improvements and associated highway works.
 6. Surfacing and lining of parking and circulation areas.
 7. The submission of a Travel Plan.
- 2) An additional condition that a variable messages sign is installed on Spen Bank/St Peg Lane.

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

For: Councillors Armer, Bellamy, S Hall, Kane, A Pinnock and Pattison (6 votes)
Against: (0 votes)

17 Planning Application - Application No: 2017/92233

The Committee gave consideration to Planning Application 2017/92233 Outline application for erection of 34 no. dwellings Land at Abbey Road North, Shepley, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Rebecca Housam (Agent).

RESOLVED -

- 1) 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 considered report including:
 1. Approval of details of the layout, appearance, landscaping, and scale.
 2. Plans and particulars of the reserved matters.
 3. Application for approval of the reserved matters.

4. The timeframe for implementation of the development.
5. Highways conditions.
6. Drainage conditions (Temporary drainage solutions; overland flood Routing, surface water flow and attenuation).
7. Environmental Health conditions- decontamination/ remediation; electric charging points.
8. Landscape /Bio diversity Management Plan.

2) Secure a Section 106 agreement to cover the following matters:

1. Affordable housing (7 units);
2. Education Contribution £114,211;
3. On site POS and subsequent maintenance (this to include the provision of natural play features) and
4. £36,690, towards public transport enhancement, and improvements to Stretchgate.

3) that, pursuant to (2) above, In the circumstances where the Section 106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Strategic Investment shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated powers.

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

For: Councillors Armer, Bellamy, S Hall, Kane, A Pinnock and Pattison (6 votes)
Against: (0 votes)

18 Planning Application - Application No: 2017/91221

The Committee gave consideration to Planning Application 2017/91221 Outline application for erection of 12 apartment's adj, 5, Hartshead Court, Hightown, Liversedge.

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

RESOLVED –

That the application be refused in line with the following reasons outlined in the considered report:

1. The site is allocated as urban greenspace on the Unitary Development Plan, and as such the proposal is contrary to Policy D3 of the UDP and there are

no material considerations including the provision of new housing that outweighs the sites value as urban greenspace.

2. The scheme fails to provide any affordable housing, and is therefore contrary to the Councils Interim Affordable Housing Policy, and the guidance contained in part 6 of the National Planning Policy Framework “ Delivering a wide choice of high quality homes”.
3. By virtue of its scale and bulk, the proposal represents overdevelopment of this site, resulting in a development that is out of character with and detracts from the visual amenities of the area, contrary to Policies BE1 and BE2 of the Unitary Development Plan, and part 7 of the National Planning Policy Framework “Requiring good design”.
4. Insufficient information has been provided with this application regarding bin storage and collection, speed survey, and access and access point, to enable an informed highways assessment to be undertaken to ascertain if the scheme is satisfactory with regard to highway safety, accordingly the scheme is considered to be contrary to Policy T10 of the Kirklees Unitary Development Plan.
5. The proposed layout with the use of front and rear garden areas for parking, and turning is considered likely to result in undue disturbance for neighbouring dwellings, and the lower floors of the propose apartment block, detracting from residential amenity contrary to Policy BE1 (iv) of the Kirklees Unitary Development Plan.

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

1. A motion to defer consideration of the application.

For: Councillors Armer, Bellamy and A Pinnock (3 votes)

Against: S Hall, Kane and Pattison (3 votes)

The Chair used his casting vote to defeat the motion.

2. A motion to accept the officer’s recommendation to refuse the application.

For: S Hall, Kane, Pattison and A Pinnock (4 votes)

Against: Councillors Armer and Bellamy (2 votes)

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Contact Officer: Richard Dunne

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 5th October 2017

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

1 Membership of the Committee

All members of the committee were present.

2 Interests and Lobbying

Members declared interests and identified planning applications on which they had been lobbied as follows:

Councillors Kane, Pattison, A Pinnock, D Firth, Armer and S Hall declared they had been lobbied on applications 2017/91796 and 2017/91623.

Councillors Kane, Pattison, A Pinnock, Armer, and S Hall declared they had been lobbied on application 2017/91967.

Councillors Kane, Pattison, A Pinnock and S Hall declared they had been lobbied on application 2017/91677.

Councillor D Firth declared an 'other interest' on application 2016/90376 on the grounds that he knew the applicant.

3 Admission of the Public

All items on the agenda were taken in Public Session.

4 Public Question Time

No questions were asked.

5 Deputations/Petitions

No deputations or petitions were received.

6 Site Visit - Application No: 2017/90955

Site Visit undertaken.

7 Site Visit - Application No: 2017/91796

Site Visit undertaken.

8 Site Visit - Application No: 2017/90207

Site Visit undertaken.

9 Site Visit - Application No: 2016/90376

Site Visit undertaken.

10 Site Visit - Application No: 2017/90557

Site Visit undertaken.

11 Site Visit - Application No: 2017/91677

Site Visit undertaken.

12 Planning Application - Application No: 2017/91623

The Committee gave consideration to Planning Application 2017/91623 Erection of 58 dwellings and associated means of access at land at, Dunford Road, Hade Edge, Holmfirth.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Steve Sykes, John Dalton, Julie McDonald, Penny Sykes and Kevin MacMillan (objectors) and Jonathan Ainley (speaking on behalf of the applicant).

Under the provisions of Council Procedure Rule 36 (1) the Committee received representations from Cllr Nigel Patrick and Cllr Ken Sims (Local Ward Members).

RESOLVED –

1) 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 considered report including:

1. A 3 year time limit for commencement.
2. Development to 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.

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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, leafleting and a program of path maintenance.

2) An additional condition that the construction of the development includes the use of natural stone and slate.

3) 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.
3. £287,546.50 towards Highway Improvement works

4) that, pursuant to (3) above, In the circumstances where the Section 106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Strategic Investment shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated powers.

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

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

Against: Councillors D Firth and Armer (2 votes)

13 Planning Application - Application No: 2016/91967

The Committee gave consideration to Planning Application 2016/91967 Outline application for residential development and convenience store, and provision of open space Land at, Dunford Road, Hade Edge, Holmfirth.

RESOLVED –

That following the decision of the Committee to approve application 2017/91623 that consideration of the application be deferred.

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

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

Against: (0 votes)

14 Planning Application - Application No: 2017/91796

The Committee gave consideration to Planning Application 2017/91796 Demolition of existing building and erection of Class A1 foodstore, formation of car parking,

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landscaping and associated works Land off, Huddersfield Road, Thongsbridge, Holmfirth.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Carl Brier (objector), Elizabeth Varley (in Support) and Mark Stringer (on behalf of the applicant).

Under the provisions of Council Procedure Rule 36 (1) the Committee received representations from Cllr Nigel Patrick and Cllr Ken Sims (Local Ward Members).

RESOLVED –

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 considered report including:

1. A 3 year time limit for commencement of the development.
2. Development to be in accordance with submitted plans.
3. Samples of materials.
4. Landscaping.
5. Tree protection.
6. Environmental Health to include: decontamination/remediation; Provision of electric charging points; and Hours of use and delivery.
7. Drainage to include: greenfield run off rates; attenuation details; and 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 to include: Access details; parking areas provided and surfaced; and provision of Travel Plan.
12. Crime Prevention condition.

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

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

15 Planning Application - Application No: 2017/90207

The Committee gave consideration to Planning Application 2017/90207 Outline application for erection of B1 light industry Thongsbridge Mills, Miry Lane, Thongsbridge, Holmfirth.

RESOLVED –

1) 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 considered report and the update list including:

1. A 3 year time limit for commencement.
2. Reserved matters within 2 years.
3. Contaminated Land conditions to cover intrusive investigation, remediation and validation.

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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.
16. The submission of a Road Safety Audit and final details of the design access to be agreed.

2) An additional condition that noise attenuation details are provided at reserved matters.

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

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

16 Planning Application - Application No: 2017/90557

The Committee gave consideration to Planning Application 2017/90557 Erection of 99 dwellings Calder View, Lower Hopton, Mirfield.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Brian Reynolds (applicant).

RESOLVED –

- 1) 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 considered report and the update list including;
 1. A 3 year time limit for commencement.
 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) to include details of proposed signage and a schedule for maintenance.
 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.

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11. Measures to reduce crime in accordance with submitted report.
12. Construction method statement.
13. Landscaping to be implemented.
14. Details of how any existing watercourses within the application site will be dealt with.

2) Secure a S106 agreement to cover the following matters:

1. £22,162 for the purposes of highway maintenance, monitoring and cleaning following any flooding event.

3) that, pursuant to (2) above, In the circumstances where the Section 106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Strategic Investment shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Strategic Investment is authorises to determine the application and impose appropriate reasons for refusal under Delegated powers.

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

For: Councillors Armer, S Hall, Kane, A Pinnock and Pattison (4 votes)

Against: Councillor D Firth (1 vote)

Abstained: Councillor Kane

17 **Planning Application - Application No: 2017/91677**

The Committee gave consideration to 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.

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

RESOLVED –

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 considered report including:

1. A 3 year time limit for commencement.
2. Approved plans.
3. Phasing plan.
4. Buggy store elevations.
5. Materials.
6. Elevations of substation.
7. Yorkshire Water condition to ensure protective measures submitted to ensure existing infrastructure not adversely affected.
8. Full drainage details.
9. Lighting Strategy.

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10. Landscaping for each phase to be submitted before each phase occupied and planted no later than first planting season following occupation of first unit.
 11. Boundary treatment for each phase to be provided and implemented prior to occupation of any phase.
 12. Occupation of Retirement Apartments and Care Home limited to over 55's.
 13. Bin collection details for each phase of development.
 14. Parking to be implemented prior to occupation.
 15. Highway works along Serpentine Road to include footway lighting and other works required to facilitate safe pedestrian access.
- 2) 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.

3) that, pursuant to (2) above, In the circumstances where the Section 106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Strategic Investment shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated powers.

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

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

18 Planning Application - Application No: 2017/91208

The Committee gave consideration to 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.

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

RESOLVED -

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 considered report including:

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.

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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.

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

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

Against: (0 votes)

19 **Planning Application - Application No: 2017/90955**

The Committee gave consideration to Planning Application 2017/90955 Outline application for residential development. Land at, Forest Road, Dalton, Huddersfield.

RESOLVED –

That consideration of the application be deferred to allow the applicant to arrange a structural engineers report to outline the technical details of how the scheme could be implemented when taking account of the high sloping nature of the site.

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

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

Against: (0 votes)

Abstained: Councillor D Firth

20 **Planning Application - Application No: 2017/92312**

The Committee gave consideration to 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.

RESOLVED –

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 considered report and the update list including:

1. A 3 year time limit for commencement.
2. Development to be in accordance with the plans and specifications.
3. Unexpected contamination.

Strategic Planning Committee - 5 October 2017

4. Development to be 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.
9. Prior to commencement of the development a scheme to dispose of surface water to be submitted and approved.
10. Development to be carried out in complete accordance with the proposed mitigation measures in the submitted Bat Survey.

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

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

Against: (0 votes)

Abstained: Councillor D Firth

21 Planning Application - Application No: 2016/90376

The Committee gave consideration to Planning Application 2016/90376 Outline application for erection of 7 dwellings with associated works Land to NE of Wickleden Gate, Scholes, Holmfirth.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Robert Small, Joan Small and Sheila Smith (Local Residents) and Noel Scanlan, Charlie Moore and Dudley Parker (on behalf of the applicant).

Under the provisions of Council Procedure Rule 36 (1) the Committee received representations from Cllr Nigel Patrick and Cllr Ken Sims (Local Ward Members).

RESOLVED –

That the application be refused in line with the following reasons that were included in the considered report and the update list:

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.
2. The proposed layout would prejudice the long term viability of adjacent mature protected trees by introducing a new dwelling in very close

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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.

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

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

Against: (0 votes)

22 Pre-Application - Application No: 2017/20041

The Committee received a pre-application report and presentation in respect of a potential major planning application for a mixed use development on the former Kirklees College site located to the North of Huddersfield Town Centre, Castlegate.

Under the provisions of Council Procedure Rule 37, the Committee received the presentation from Richard Irving (I D Planning) and Ryan Groves (Enjoy Design).

RESOLVED –

That the pre-application presentation be received and noted.

<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.

Name of meeting: STRATEGIC PLANNING COMMITTEE

Date: 2 NOVEMBER 2017

Title of report: LOCAL PLANNING AUTHORITY APPEALS

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

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not applicable
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports)?	No
The Decision - Is it eligible for "call in" by Scrutiny?	No
Date signed off by Service Director - Economy, Regeneration & Culture	Paul Kemp 24 October 2017
Is it also signed off by the Assistant Director for Financial Management, IT, Risk and Performance?	No financial implications
Is it also signed off by the Assistant Director - Legal Governance and Monitoring?	No legal implications
Cabinet member portfolio	Economy (Strategic Planning, Regeneration & Transport) (Councillor P McBride)

Electoral wards affected: Almondbury;

Ward councillors consulted: No

Public or private report: Public

1. Summary

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

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

- 2.1 2016/60/93230/W - Outline application for demolition of existing buildings and erection of residential developments at Fenay Bridge Nursery, Fenay Lane, Fenay Bridge, Huddersfield, HD8 0AR. (Strategic Committee decision in accordance with Officer recommendation) (Appeal dismissed)

- 2.2 2016/62/93428/W - Part demolition of existing mills and erection of 45 dwellings and 16 apartments. Re-use of existing mill building and alterations to form workshop, car storage, restaurant, function suite and ancillary office space and formation of car park. Conversion of mills to hotel and offices (Listed Building) at Washpit Mills, Choppards Lane, Cartworth Moor, Holmfirth, HD9 2RD. (Strategic Committee) (Appeal against non-determination dismissed)

Inspector's Findings:

Main Issues were defined as:

- the effect of the proposal on the safe and efficient operation of the highway
- the availability of alternative modes of transport
- whether the proposal would preserve a Grade 2 listed building, Was Pit Mill (ref:1134754), and any of the features of special architectural or historic interest that it possesses

The inspector found that insufficient information had been provided to enable a realistic evaluation of how the proposal would effect the wider road network and whether a sever , cumulative impact would result. Also that the applicant had failed to demonstrate that the proposal would not cause significant harm to the safe and efficient operation of the highway network. He accepted that the B2 (General Industrial)Use of the site was lawfully available but the fallback position only carried limited weight. Actual and perceived risk of conflict between pedestrians and vehicles along Washpit New Road would pose a significant disincentive to regular pedestrian use. He also concluded that the proposal would fail to preserve the special historic interest of the Grade 2 listed building. The inspector concluded the decision by stating- *"I am satisfied that the resultant boost in the supply of housing would not significantly and demonstrably outweigh the adverse effects when the scheme is considered against the Framework as a whole, bearing in mind the limited access to alternative modes of transport that would be present as well as the potential impact on the wider road network."*

Officers Position

- Inspectors decision represents a key planning material consideration in any forthcoming application
- Additional survey work and information is required to assess the impact of any development upon the local highway network reflecting the intensification of the use of the site above the fall back position
- Ward Councillors will be invited to discuss the scope of the Transport Assessment before the applicant undertakes the work
- Adequate level of highway mitigation measures to address pedestrian connectivity and is required

Resubmission

The applicants are considering a planning resubmission with several changes that involves the removal of the hotel and office accommodation from the previous scheme. This will result in a mixed use scheme that would be residential led but still including the change of use to facilitate the oil can café within the Carding Shed operation that is relocating under the established General Industrial and Storage and Distribution uses that were granted under the certificate of Lawfulness (ref 2017/CL/92061). An initial meeting was held between officers and the applicants and the applicants have been advised to submit a pre-application submission that will take into account the inspectors findings on the appeal. Ward Members would be invited to partake in the pre-application process and would conclude with a developer presentation to the strategic Planning Committee. This is considered to be the best way forward before a planning application is submitted to the council.

- 2.3 2016/65/93429/W - Listed Building Consent for extensions and alterations to form hotel and restaurant at Washpit Mills, Choppards Lane, Cartworth Moor, Holmfirth, HD9 2RD. (Officer decision) (Appeal against non-determination dismissed).

3. Implications for the Council

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

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

4. Consultees and their opinions

Not applicable, the report is for information only.

5. Next steps

Not applicable, the report is for information only.

6. Officer recommendations and reasons

That the report be noted.

7. Cabinet portfolio holder recommendation

Not applicable.

8. Contact officer

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

9. Background Papers and History of Decisions

Not applicable

10. Service Director responsible

Paul Kemp

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Appeal Decision

Site visit made on 4 July 2017

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 26 September 2017

Appeal Ref: APP/Z4718/W/17/3173312

F. Lockwood & Son, Fenay Lane Nursery, Fenay Bridge, Almonbury, Huddersfield HD8 0AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr A Shepherd against the decision of Kirklees Metropolitan Borough Council.
- The application Ref 2016/60/93230/W, dated 25 September 2016, was refused by notice dated 6 January 2017.
- The development proposed is demolition of existing buildings and outline application (with all matters reserved) for residential development (maximum 5no. dwellings).

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is made in outline with all matters reserved for subsequent consideration. An indicative site layout plan has been submitted showing how five dwellings could be accommodated within the site. Reference has also been made to the dwellings being two storeys in height. As all matters are reserved for future consideration, and as I am satisfied that the Council have considered these matters as indicative, I shall do likewise.
3. Although not relied upon in the Council's refusal reason, reference is made to the emerging Local Plan (LP) in the Council's report to the Strategic Planning Committee. I note that the emerging LP was published for consultation in November 2016 but I have not been advised of any further progress regarding the LP or that it has been subject to an Examination in Public. Mindful of paragraph 216 of the National Planning Policy Framework (the Framework), and the Council's acknowledgement that the LP's policies have limited weight, I too afford the provisions of the emerging LP limited weight.

Main Issues

4. The main issues are:-
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the proposal on the setting of the grade II listed High Green House; and

- If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

5. The site is within the Green Belt. Paragraph 89 of the Framework states that the construction of new buildings in the Green Belt should be regarded as inappropriate. It goes on to identify a range of exceptions which includes proposals for the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.
6. The appeal site comprises a former plant nursery with an element of retail sales. The site, accessed via a steeply sloping drive, is located on something of a plateau. There are a small number of buildings within the site, clustered towards the north-eastern corner of the site, with the remainder of the site comprised either of areas concrete hardstanding or varying combinations of blockwork dwarf walls, timber and metal poly-tunnel frames and the occasional, covered, poly-tunnel.
7. It remains a matter of dispute between the parties as to whether the site may be considered to be wholly or partially previously developed land. Within the bounds of that dispute, I have noted the Council's efforts to clarify and correct what they describe as an error in the description of the site set out in the Rejected Site Options Report (RSOR) (November 2016) regarding the appeal site. Regardless, it is clear to me that the Council considered the proposal against one of the exceptions set out in paragraph 89 of the Framework; specifically that relating to previously developed sites.
8. It is not disputed that there are two permanent buildings located towards the northeast of the site, or that there are poly-tunnels (and the remains thereof) elsewhere within the site. Nor do the Council dispute the appellant's conclusions regarding the extent of the site's curtilage or its extent as a single planning unit, and I have not been presented with any compelling evidence that would lead me to reach a different conclusion.
9. However, notwithstanding the classification (or otherwise) of the land as previously development land, paragraph 89 also states that development in this respect should not have a greater impact on the openness of the Green Belt than the existing development. The proposal is for the development of a maximum of five dwellings of no more than two storeys. Although all matters are reserved for subsequent consideration, including particularly their scale, layout and appearance, the appellant's contention that the combined internal floor area would amount to no more than 970 square metres has not been challenged. Whilst that figure appears to be drawn from limitations on the sales element of a nursery use previously permitted on the site¹, I consider it unlikely that dwellings within those broad parameters would not have a

¹ 2014/93595

- materially greater effect on the openness of the Green Belt than the existing permanent buildings.
10. Although indicative in layout, the quantum of development proposed together with generously sized plots would have a greater, and more permanent impact on openness than the cluster of permanent buildings and the more transient nature of the poly-tunnels. This would be particularly evident within the site where the distinct terraced levels and planting beds give the site a sense of openness that would be lost with the development of dwelling. Whilst the site is not particularly evident from Fenay Lane at present, it is far more evident from elevated positions on the opposite side of the valley. From these aspects, the introduction of dwellings onto the site would in my judgement have a greater visual impact than existing.
 11. As a fundamental aim of Green Belt policy, as set out in paragraph 79 of the Framework, is to prevent urban sprawl by keeping land permanently open, I find that the proposal would be incompatible with the Framework in this respect. The coming and going of covers on poly-tunnels tends to be transient and seasonally changing. The presence of dwellings of not more than two storeys would be permanent, and would have a significant and harmful impact on openness of the Green Belt. This would, I find, be particularly evident in the case of the appeal site as it lies in a prominent valley-side location clearly visible from the opposite side of the valley. The permanence of the proposed dwellings, and the residential curtilages and paraphernalia that would inevitably follow, would be a clearly sprawling presence up the valley side and one which would reduce openness between Penistone Road in the valley floor and built development further west along Fenay Lane.
 12. Moreover, the steeply sloping embankment to Fenay Lane presents a significant, but pleasant, verdant side to the site, reflective of the area of woodland on the opposite side of the road. The proposed access would require a significant engineered arrangement involving retaining walls and sweeping road layout to cope with the gradient to access the top of the site. In both visual and objective terms, this would significantly harm the sense of openness (in the Green Belt sense) experienced along this heavily wooded stretch of Fenay Lane. I have noted that the Council previously considered¹ that the extent of engineering operations required to create access to the site from Fenay Lane would have had a significant visual impact on the embankment in the short term. Whilst landscaping may well soften this, as the Council concluded then, in my judgement the substantial and visually incongruous nature of the works required to secure access to the upper levels of the site would harmfully affect openness and would be felt locally from Fenay Lane. Together with the residential development, the proposal as a whole would both materially and harmfully reduce openness and result in additional sprawl up the valley side, when viewed from the opposite side of the valley.
 13. Thus, I conclude that the proposed development would fail to fall within any of the exceptions set out in paragraph 89 of the Framework. The proposal would therefore be inappropriate development in the Green Belt. As this is, by definition, harmful I give this substantial weight.

Setting of Listed Building

14. High Green House, located to the northeast of the site, is a grade II listed building. I am advised that in rejecting the site as a proposed housing

allocation, the RSOR identified amongst other things, that there would be serious impact on an historic asset. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 special regard shall be had to the desirability of preserved a listed building, its setting or any features of special architectural or historic interest

15. The appeal site is situated at a much higher level than High Green House and due to the extensive vegetation within, and beyond, the appeal site, would be seen in very different contexts. The Council conclude that for these reasons there would be no harm caused to the setting of the listed building. From all that I have seen and read, I can see no reason to reach a different conclusion to that of the Council. Thus, I conclude that the proposal would not cause harm, and thereby preserve, the setting of the grade II listed building.

Other Considerations

16. The proposed development would add five dwellings to the supply of housing within the Borough at a time when the Council are unable to demonstrate a deliverable five year supply of housing land. Whilst the Council have not challenged this I have not been given any indication of the extent of any shortfall. However, the provision of five additional dwellings would only represent a modest contribution to housing supply and I therefore give this matter moderate weight.
17. The appellant contends that the proposal would provide a boost to housing supply in the context of the Council being unable to demonstrate a five year supply of deliverable housing sites. The Council have not challenged this assertion, but nor have I been presented with any evidence to demonstrate whether this is indeed the case. Nonetheless, an additional five dwellings would provide a modest boost to housing supply. Important though such considerations are however, the benefits arising from this would be significantly outweighed by the harm to the Green Belt and the substantial weight that carries.
18. I note that the Council concluded that the proposal would not cause harm to the living conditions of occupiers of neighbouring properties. I note too that with appropriate conditions the principle of the new vehicular access could be supported in highways terms and matters relating to drainage could be adequately resolved. These though are neutral effects and I ascribe weight accordingly.

Overall balance and Conclusion

19. I have concluded that the proposal would be inappropriate development within the Green Belt. By definition, this would be harmful to the Green Belt, and the Framework sets out that substantial weight should be given to any harm. The proposal would also have a greater impact on openness than the existing use, with openness recognised by the Framework as being one of the essential characteristics of the Green Belt. Consequently the very special circumstances necessary to justify the development do not exist.
20. For the reasons set about, and having considered all other matters, I conclude that the appeal should be dismissed.

Graeme Robbie INSPECTOR



Appeal Decisions

Hearing Held on 16 August 2017

Site visit made on 16 August 2017

by Roger Catchpole DipHort BSc(hons) PhD MCIEEM

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

Decision date: 29th September 2017.

Appeal A: APP/Z4718/W/17/3169043

Washpit Mills, Choppards Lane, Cartworth Moor, Holmfirth HD9 2RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr Rob Cooke (Prospect Estates) against Kirklees Metropolitan Borough Council.
 - The application Ref: 2016/93428, is dated 7 October 2016.
 - The development proposed is the mixed use redevelopment of Washpit Mills.
-

Appeal B: APP/Z4718/Y/17/3174173

Washpit Mills, Choppards Lane, Cartworth Moor, Holmfirth HD9 2RD

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Mr Rob Cooke (Prospect Estates) against Kirklees Metropolitan Borough Council.
 - The application Ref: 2016/93429 is dated 7 October 2016.
 - The works proposed are associated with the mixed use redevelopment of Washpit Mills.
-

Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed and listed building consent is refused for the mixed use redevelopment of Washpit Mills.

Preliminary Matters

3. As the proposal relates to a listed building I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. The Council has an emerging plan that is yet to be adopted. Consequently, these appeals will be determined in accordance with the extant development plan having regard to the emerging policies, insofar as they may be relevant, and the National Planning Policy Framework 2012 (the Framework).

5. The proposal was amended following its submission to the Council. The changes are reflected in the following plans beginning with the suffix 3068 (0-): 200 Rev H, 201, 202, 203 Rev A, 204 Rev B, 205 Rev B, 206 Rev A, 207 Rev A, 208 Rev B, 209 Rev A, 210 Rev A, 211 Rev A, 212, 213 Rev B, 215, 214 Rev A, 216, 217 Rev A, 218 Rev B, 219 Rev A, 220 Rev A, 221 Rev A, 222, 223, 224 Rev A, 225 Rev A, 226 Rev A, 227, 228 Rev A, 229, 230, 231, 232 and 233 Rev B. It was confirmed at the Hearing that all interested parties had been made aware of these amendments through the publication of the revised plans on the Council website. It was also confirmed at the Hearing that the function room and restaurant associated with Block E, as shown in drawing 3068 (0-) 200 Rev G, are no longer part of the proposed scheme. As a result, I am satisfied that these changes would not prejudice any interested parties and this is the basis upon which these appeals have been determined.
6. Whilst I considered changes to the description of the scheme, as set out in the Statement of Common Ground, I am satisfied that the original description adequately reflects the nature of the proposal. Consequently, I have relied upon the description, as set out in the original application forms, for the purposes of these appeals.
7. A certificate of lawfulness (Ref: 2017/CL/92061/W) has been issued that establishes a general industrial use (Class B2) and a storage/distribution use (Class B8) for the majority of the floorspace in one of the retained industrial buildings (Ref: 3068 (0-) 200 Rev G Block E). The remaining buildings, whilst vacant, also benefit from an established general industrial use (Class B2). This is the basis upon which these appeals have been determined.
8. The appellant has highlighted two appeal decisions¹. Whilst I have paid careful attention to these decisions the circumstances are not similar in all respects because they do not deal with the specific configuration of the road network around the appeal site. Consequently, these appeals has been determined on its individual merits and the evidence before me.

Main Issues

9. The Council failed to give notice within the statutory time period but has set out its putative reasons for refusal in its statement of case. Consequently, I find the main issues to be:
 - the effect of the proposal on the safe and efficient operation of the highway;
 - the availability of alternative modes of transport; and
 - whether the proposal would preserve a Grade II listed building, Wash Pit Mill (Ref: 1134754), and any of the features of special architectural or historic interest that it possesses.

Reasons

10. The appeal site is situated in a steep-sided valley in the open countryside. It lies approximately 1.5 km to the south of Holmfirth. It covers an area of approximately 3.5 ha and comprises a former textile mill which ceased operating in December 2015. A culverted section of the River Ribble runs

¹ APP/Z4718/A/08/2071373, APP/Z4718/A/14/2219016

through the centre of the site which is characterised by significant differences in ground level. The site comprises a range of industrial buildings, areas of hardstanding and a mill pond to the southwest. The buildings include a Grade II listed building with ancillary buildings of varying age. The site is bounded by Green Lane to the north and Choppards Lane to the south. The eastern boundary abuts open pasture that rises towards Choppards Bank Road. The western boundary abuts a narrow area of open land that rises towards the curtilages of a number of properties situated along Lamma Well Road. The site currently benefits from two vehicular access points from Green Lane and Choppards Lane.

11. The proposal is seeking to regenerate the site through a mixed use development comprising residential dwellings, a hotel, workshop, ancillary offices, a café and a classic car storage facility. More specifically, the amended scheme would create 45 dwellings that would replace existing buildings and a further 16 dwellings within one of the retained mill buildings. The hotel would be located in the listed building. It would comprise 23 bedrooms and contain a small health spa. A link would be created to a nearby, retained mill building which would be converted for ancillary office use. Another mill building would also be retained and converted to provide a mixed use development for an established business known as the Carding Shed. This use would comprise a classic car restoration/maintenance workshop, car storage area, café and ancillary shops selling vintage clothing and memorabilia. The first two uses have already been established through the certificate of lawfulness, as defined in paragraph 7 of my decision.

Highway safety

12. Saved policy T10 of the Kirklees Unitary Development Plan 1999 (UDP) seeks, among other things, to limit development when it would lead to highway safety issues either through new or cumulative impacts. It also seeks to restrict development that would not be adequately served by the existing highway network and public transport where there is potential to attract or generate a significant number of journeys. The TRICS database predicted a revised daily movement of 496 vehicles with a peak daily flow of 73 vehicles in the morning and 82 vehicles in the evening. The model incorporated comparator data for industrial units, privately owned houses, hotels and restaurants. In order to determine likely impacts on the wider road network, the predicted journeys for the proposed mixed use were compared to a scenario where a single industrial use for the site was assumed. As this indicated a significant reduction in traffic flow, no further analysis of the predicted impact on the wider road network was undertaken by the appellant.
13. The predicted reduction in traffic flow has been widely disputed by local residents and elected members who maintain that the actual movements associated with the mill have been significantly less for some considerable time even when the mill was still in active industrial use. It is a widely held view that the modelling approach has consequently been used to provide a misleading evaluation of the potential impact of the development on the wider road network. This view is supported by the daily traffic flow that was observed along Washpit New Road which amounted to an average of 232 movements over five days. This is less than half the predicted movements for the proposed uses. As the appellant accepts that the majority of traffic would use this route I find it reasonable to assume that there would be at least a

- doubling in traffic volume, notwithstanding a full industrial use, along this road with resultant impacts on the wider road network.
14. The degree to which this increase in movement would lead to a severe, cumulative impact on the wider road network is equivocal at the current time. This because there has been no direct quantification of the effect of the predicted movements on existing road conditions at key locations where congestion occurs. To this end, I note the already high traffic flow along Dunford Road with a daily movement of 5,331 vehicles and congestion in Holmfirth which I observed on more than one occasion during my visits to the appeal site. I therefore find that insufficient information has been provided to enable a realistic evaluation of how the proposal would affect the wider road network and whether or not a severe, cumulative impact would result.
 15. I accept that the B2 use of the site is lawfully available and that the condition of the buildings would readily support a recommissioned industrial use with a higher flow. However, I do not have any substantiated evidence before me regarding the availability of potential occupants of the wider site beyond the operator of the Carding Shed business. Whilst I accept that recommissioning could lead to greater impacts on the wider highway network, I do not find this likely given the absence of any alternative proposals, additional occupants or ready access to the wider motorway network. Furthermore, the Council indicated the presence of alternative sites which have been allocated in the development plan. Given the above, I find that the fallback position only consequently carries limited weight.
 16. I have considered the potential routes to local schools and the high accident rate that has been highlighted by local residents. Turning to the first matter, I am satisfied that appropriate routes could be brought to the attention of new residents by the appointed Travel Plan Coordinator to minimise highway impacts and avoid potential congestion around local schools. I also accept that additional activities at the start and end of the school day often mean that not all children are necessarily collected or dropped off at the same time. Turning to the second matter, I note that the appellant has used a widely accepted database that records all road accidents that are reported to the police. I accept that not all incidents will be reported but in the absence of substantiated, robust evidence to the contrary, this represents the best available road safety evidence concerning accidents involving people rather than buildings and other fixed structures.
 17. Given the above, I conclude that the appellant has submitted insufficient information and has therefore failed to demonstrate that the proposal would not cause significant harm to the safe and efficient operation of the highway network, contrary to saved policy T10 of the UDP and the advice in paragraph 32 of the Framework. As a result, the proposal would not be in accordance with the development plan.

Sustainable travel

18. Saved policy T16 of the UDP requires, among other things, adequate provision for safe, convenient and pleasant pedestrian routes for all new development that ensures attractive links between homes, places of employment, community facilities and public transport. This is explicitly linked to the crime prevention measures outlined in saved policy BE23 of the UDP. This requires, among other things, the visibility of any walkways to be maintained from

existing highways to ensure pedestrian safety. Furthermore, saved policy T1(ii) of the UDP stresses that priority will be given to proposals that promote a transport network on which it is safe to travel.

19. I observe from my site visit and the Framework Travel Plan (FTP) that there are a number of bus stops within walking distance of the site that have the potential to provide alternative modes of transport to able-bodied individuals. I observed that there is a regular service between Hepworth and Huddersfield that is available before 06:00 in the morning and after 18:00 in the evening with an interval of 30 mins during the daytime. This would not only allow future occupants access to a full range of services but would also support longer onward journeys and regular commuting for employment purposes. However, whilst they are within walking distance I am not satisfied that their use would be likely given the nature of the intervening roads and footpaths.
20. Three bus stops are situated at the crossroads of Dunford Road, Cross Gate Road and Rich Gate. The latter is the most direct route from the appeal site and is within what might be loosely considered a 'walkable neighbourhood' as set out in the Manual for Streets (MfS). However, this guidance stresses that such neighbourhoods should have a range of facilities, rather than just bus stops, within in a comfortable walking distance taking not more than 10 min. Whilst I accept that the site is within a 2 km walking distance of the centre of Holmfirth, this carries no weight because Planning Policy Statement 13 has been superseded by the Framework. In any event, the use of a simple geographical buffer, that ignores significant changes in topography and the suitability of specific routes, lacks credibility because it fails to provide a realistic reflection of local circumstances.
21. This is not only illustrated by the available routes into Holmfirth but also the most direct route to the nearest bus stops, via Rich Gate. This is a narrow road that rises steeply, lacks a pedestrian walkway and has limited forward visibility. Consequently, I find it would be neither a safe nor a comfortable pedestrian route. Even if additional bus stops to the north along Dunford Road are considered, the available pedestrian routes to these bus stops would be far from ideal. These comprise Washpit New Road and a footpath/track leading onto Dover Lane. Whilst I was able to walk the latter and arrive at a bus stop in about 10 mins, the initial part of the route was not suitable for use in all seasons and did not have a level surface that would permit the use of pushchairs or the passage of less able individuals. Furthermore, no lighting was present nor was it adequately drained. This was indicated by my own observations and evidence submitted at the Hearing. As the current width of the footpath is not adequate to accommodate lighting poles and the flanking land is not in the control of the appellant, the opportunities to upgrade this route are highly constrained at the current time.
22. The appellant suggested that access could be improved along Washpit New Road in conjunction with some works that were under consideration by the Council but not 'shovel ready'. The suggested improvements would comprise the extension of the metalled surface into the soft verges with French drains on either side. A continuous white line would run parallel to one of the flanking, stone boundary walls to provide a defined pedestrian area with the capacity for overrun by larger passing vehicles. Hazard signs would also be used to alert motorists of potential pedestrians. It was confirmed at the Hearing that the road width was insufficient to accommodate a raised walkway that would meet

the necessary standards, as set out in the MfS. I acknowledge that continuous white lining has been used elsewhere and that visibility along Washpit New Road is reasonable. However, the fact remains that there would be no refugia for pedestrians because there would be no physical structure, such as a kerbstone, to stop vehicles crossing into the pedestrian zone. Young families with pushchairs and small children would be particularly vulnerable in these circumstances. The width of the road is such that little additional space would be present at some locations when larger private motor vehicles or commercial vehicles are passing each other. Whilst local residents and future occupants would anticipate pedestrians at these pinch points, this would not be the case for the customers of the Carding Shed. As it attracts a significant number of customers at its current location and I find it reasonable to assume that this would remain the case.

23. Given the above, I find that the actual and perceived risk of conflict between pedestrians and vehicles along this route would pose a significant disincentive to regular pedestrian use. Future occupants would be heavily reliant on the use of private motor vehicles as a consequence. Whilst I am satisfied that the suggested improvements would enable use by cyclists, any realistic pedestrian access to sustainable travel options would not be present. This would not be overcome by the FTP because of the fundamental limitations posed by local infrastructure. I therefore conclude that the proposal would be contrary to saved policies T1(ii) and T16 of the UDP and therefore not in accordance with the development plan. I do not, however, find any conflict with saved policy BE23 of the UDP due to the fact that the defined pedestrian zone would be overlooked by passing cars.

Listed building

24. Wash Pit Mill was listed in 1991 and constructed around 1840 on the site of an earlier mill building. It is constructed from hammer-dressed stone with a stone slate roof. It has a rectangular plan form and an unornamented appearance with flush-dressed lintels and cills. The gables have square kneelers with the outer windows on the top floor having distinctive, angled lintels that follow the roof pitch. None of the window fittings are original and comprise large, six pane casements. The central bay of each gable apex has an arch-headed window. The original building has been subject to extensive alteration with the introduction of an internal steel frame that has reduced the number of floors from five to two. The roof has also been lowered, giving the appearance of a three storey building. Various original windows and doorways have also been blocked when the building was modernised. Given the above, I find that the special interest of the listed building, insofar as it relates to this appeal, to be primarily associated with its industrial vernacular form and historic legibility of its former use.
25. The proposed link between the buildings would lead to a loss of definition of its simple rectangular form. Whilst I accept that it would be a lightweight structure with clearly differentiated materials, it would nevertheless erode the plan form of the building. The appellant is of the opinion that the structure would be a 'reversible' alteration that could be readily demolished. However, I am not satisfied that this would occur once the ongoing functional use of the structure is established. The link would, to all intents and purposes, become a permanent addition. Given the above, I find that the proposal would fail to

- preserve the special interest of the listed building and I give this harm considerable importance and weight in the planning balance of this appeal.
26. Paragraph 132 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. It goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets. Given the extensive modification of the building that has already occurred and the proportion of the southern elevation that would be obscured, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 134 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings.
27. The appellant is of the opinion that the proposal would be beneficial because it would reinstate lost floors, unblock windows and bring the stair towers on the northern side of the building back into use, thus returning it to a form closer to its original layout. The appellant has also suggested that the removal of later industrial buildings will improve the setting and strengthen the relationship of both buildings with the nearby mill pond. Given the above, I find that the benefits of the scheme balance the harm that would be caused by the link thus leading to an overall neutral effect, thus preserving its special interest. However, this is predicated on the grant of planning permission for a specific scheme which I have dismissed. Consequently, no such benefits would accrue in its absence.
28. Given the above, I conclude that the proposal would fail to preserve the special historic interest of the Grade II listed building. This would fail to satisfy the requirements of the Act and paragraph 134 of the Framework.

Other Matters

29. The parties agree that the proposal would not amount to inappropriate development in the Green Belt, affect its purposes or significantly reduce openness and I agree. This is because the proposal relates to the redevelopment of previously developed land which would not have a greater impact on openness or the purposes for including land within the Green Belt. I acknowledge the concerns over the proposed changes to the north-western part of the site. In particular, the effect of parking areas on openness.
30. However, I note that part of this area would be public open space, as indicated in the most recent plan (Ref: 3068(0-)200 Rev G). Furthermore, as previously developed land, I am satisfied that no encroachment into the countryside would in fact occur. Whilst I accept that parking areas can have an unacceptable effect on openness, any such impact should be considered against the degree of openness of the existing site. Bearing in mind the volume and footprint of the buildings to be demolished, as well as the extensive hardstanding already present, I am satisfied that the proposal would not lead to any significant loss of openness in this instance.
31. A completed unilateral undertaking (UU) was submitted by the appellant during the course of the appeal. This aims to secure financial contributions towards meeting the need for additional educational services and road infrastructure arising from the proposed scheme as well as the provision of travel cards for

use on public transport. It would also secure the management of the public open space, culverted watercourse and a mill pond in accordance with an agreed management plan. The Council were not satisfied that the contribution to road infrastructure was fairly and reasonably related to the necessary road improvements. However, as I intend to dismiss the appeal for other reasons I have not considered this matter further.

32. The Council has acknowledged that it is unable to demonstrate a deliverable 5-year housing land supply. I am satisfied that the resultant boost in the supply of housing would not significantly and demonstrably outweigh the adverse effects when the scheme is considered against the Framework as a whole, bearing in mind the limited access to alternative modes of transport that would be present as well as the potential impact on the wider road network.

Conclusion

33. For the above reasons and having regard to all other matters raised I conclude that the appeals should be dismissed.

Roger Catchpole

INSPECTOR

APPEARANCES

The Council

Mr Walker	Planning Officer
Mr Firth MRTPI, MCILT	Construction Engineer, AECOM

The Appellant

Mr Lee	Planning Consultant
Mr Greenwood	Highways Consultant

Interested Persons

Cllr Sims	Holm Valley South
Cllr Firth	Holm Valley South
Cllr Patrick	Holm Valley South
Mr Martin	Local Resident
Mr Baylin	Local Resident
Mr Woodcock	Local Resident
Ms Weir	Local Resident
Mrs Martin	Local Resident
Mr Fraser	Local Resident
Ms Duddridge	Local Resident
Ms Dale MSc, DMA, MCIPD MAE, FRSA, QDR	Business Community Representative
Mrs Fraser	Local Resident
Mr Kellett	Owner, The Carding Shed

Documents Submitted

Drawings: 3068(0-) 200 Rev H; 3068(0-)205 Rev B; 3068(0-)206 Rev A;
3068(0-)207 Rev A; 3068(0-)208 Rev B; 3068(0-)214 Rev A; 3068(0-)218 Rev B;
3068(0-)219 Rev A; 3068(0-)220 Rev A.

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

PLANNING POLICY

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

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

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

National Policy/ Guidelines

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 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: 02-Nov-2017

Subject: Planning Application 2017/90443 Erection of 3 units for B1 (light industrial) and B8 use, erection of two storey office building and alterations to existing building Ratcliffe Mills, Forge Lane, Thornhill Lees, Dewsbury, WF12 9BU

APPLICANT

Mr Umarji

DATE VALID

08-Feb-2017

TARGET DATE

10-May-2017

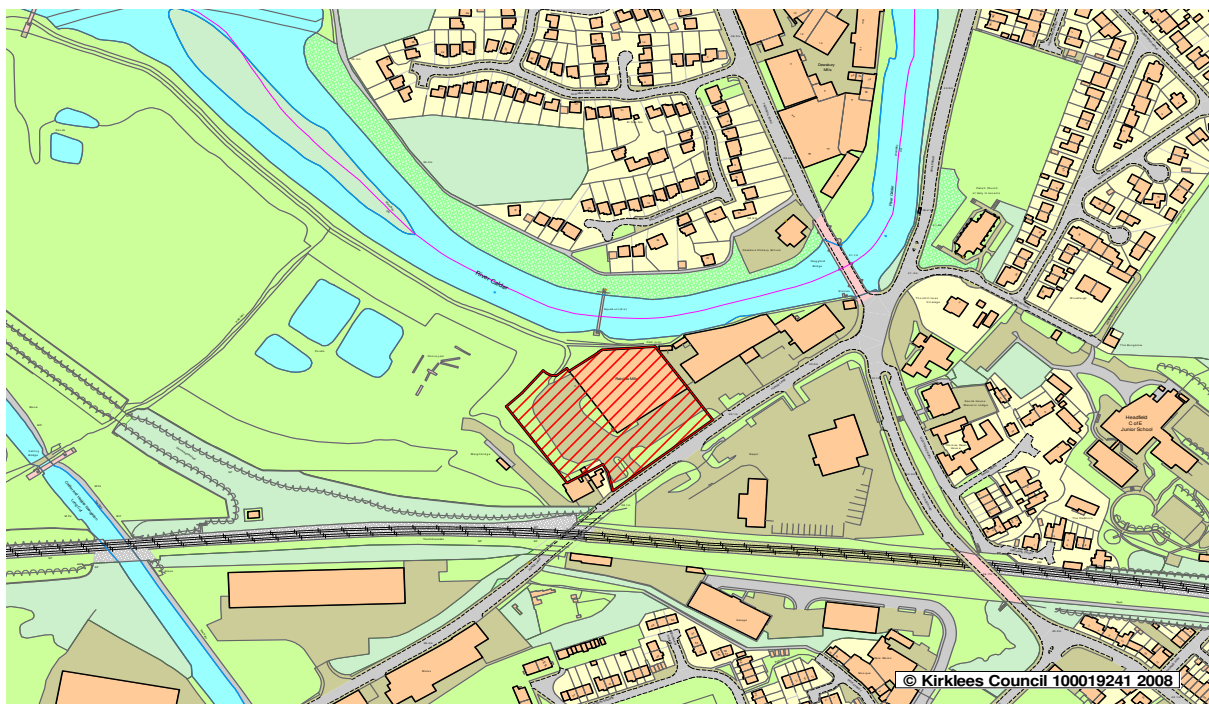
EXTENSION EXPIRY DATE

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: Dewsbury 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 This application is brought to the Strategic Planning Committee as the site exceeds 0.5ha and the proposal relates to non-residential development.

2.0 SITE AND SURROUNDINGS:

2.1 The application site measures approximately 9600 m² and is located approximately 1.7 km south west of the centre of Dewsbury within a wider concentration of commercial uses which includes manufacturing, storage and distribution and vehicle repairs. This commercial setting separates concentrations of residential uses to the east at Saviletown and to the west at West Town and Thornhill Lees. The area therefore has a mixed commercial/residential character. The closest residential property to the site borders the south western corner of the site off Forge Lane. Residential properties in the wider landscape are located approximately 125m to the north of the site and approximately 210m to the east.

2.2 The site is located within an area which is without notation in the Council's adopted Unitary Development Plan. The site is open and forms a level area of land with a slight drop in levels to Forge Lane. The land is currently an open yard area which originally served Radcliffe Mills, much of which is in poor condition.

2.3 Access to the site would be gained from Forge Lane which is a two lane highway, via an existing vehicular access point which serves several commercial premises which are accommodated within the former mill complex.

3.0 PROPOSAL:

3.1 The applicant proposes to build 3 new commercial units for B1/B8 use, a new two storey office complex, alterations to the elevations of the existing mill and the provision of associated hardstanding areas. The development would comprise 3 separate units, one to the south of the existing buildings and two to the west and an office building immediately adjacent to the site access. The commercial units would be capable of being sub-divided into smaller units.

3.2 The new buildings would vary in size and the approximate dimensions of each have been summarised in the following table:

Unit No.	Length (m)	Width (m)	Height to Ridge (m)	Floor space (m ²)
1(Max.5 units)	30	11	7.5	340
2(Max.5 units)	30	17	8.0	514
3(Max.6 units)	37	11	7.5	408
Office	10	10	6.5	200(two storey)

4.0 RELEVANT PLANNING HISTORY:

2004/92999 - Erection of warehouse and office building (Withdrawn)

2004/94601 – Erection of warehouse and office building (Refused 11.04.05)

2005/94619 - Erection of warehouse and office building with associated parking (Approved 7.2.05)

5.0 HISTORY OF NEGOTIATIONS:

5.1 During the assessment of this application and as a result of concerns raised in consultation responses, the following were secured through negotiations with the applicant.

- Re-siting of units 2, 3 and the office building to potentially allow a cycle route connection from the Spen Green Way to Forge Lane.
- Design amendments to address concerns raised by the occupier of the adjacent residential property

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 Examination in Public began in October 2017. 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. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

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

D2 – Unallocated Land
B1 – Employment Needs
BE1 – Design principles
BE2 – Quality of design
EP4 – Noise generating development
G6 – Land contamination
T10 – Highway safety
T19 – Parking standards

6.3 National Planning Guidance:

NPPF Section 1. Building a strong, competitive economy
NPPF Section 7 Requiring Good Design
NPPF Section 10 Meeting the Challenge of Climate Change, Flooding and Coastal Change
NPPF Section 11. Conserving and enhancing the natural environment

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

PLP1 – Presumption in favour of sustainable development
PLP3 – Location of new development
PLP7 – Efficient and effective use of land and buildings
PLP19 – Strategic transport infrastructure
PLP 21 – Highway safety and access
PLP24 – Design
PLP27 – Flood Risk
PLP 30 – Biodiversity and Geodiversity
PLP51 – Protection and improvement of local air quality
PLP52 – Protection and improvement of environmental quality

7.0 **PUBLIC/LOCAL RESPONSE:**

7.1 This application was publicised by the erection of 4 site notices in the vicinity of the site the mailing of 3 neighbourhood notification letters and an advertisement in the local press. This resulted in 1 representation from a member of the public being received with regard to this proposal and the issues raised can be summarised as follows:

- The application would lead to a loss of privacy as a result of overlooking from the proposed office building.
- The supporting planning statement is inaccurate and misleading
- The residential dwelling at the south western corner of the site has been omitted from the site plans
- The applicant has failed to provide any information regarding the position of waste bin storage on the site
- The proposal would result in noise nuisance being experienced by the nearest residential properties.

- The proposal would compromise highway safety in the area
- The proposed materials would not reflect existing development in this area

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Highways DM – No objection subject to planning conditions requiring that:

- before the development is occupied sight lines of 2.4m X 43m are provided at the access
- before the development is occupied, the access radii indicated are implemented
- Before the development is occupied, the areas to be used by vehicles are surfaced and sealed and parking spaced marked out

K.C. Strategic Drainage – No objections subject to the inclusion of the following planning conditions:

(i) Development shall not commence until a scheme detailing foul and surface water drainage, (including outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, existing drainage to be maintained/diverted/abandoned) has been submitted to and approved in writing by the Local Planning Authority. None of the buildings shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the buildings relate and thereafter retained.

(ii) Development shall not commence until a scheme, detailing the treatment of all surface water flows from parking areas and hardstandings through an oil interceptor, (or a full petrol oil interceptor) reedbed or alternative treatment system, has been submitted to and approved in writing by the Local Planning Authority. Use of the parking areas/hardstandings shall not commence until the works comprising the approved treatment scheme have been completed. Treatment shall take place prior to discharge from the treatment scheme. The treatment scheme shall be retained, maintained to ensure efficient working and used throughout the lifetime of the development. Roof water shall not pass through the interceptor.

Environment Agency – No objection subject to the applicant satisfying the Council that an adequate sequential test has been carried out and the following planning condition is attached:

The development permitted by this planning permission shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) dated January 2017, reference B21354 FRA rev A, by JNP Group Consulting Engineers and the following mitigation measures detailed within the FRA:

Finished floor levels are set no lower than 39.96m above Ordnance Datum (AOD).

8.2 **Non-statutory:**

K.C. Environmental Health – No objections subject to planning conditions requiring the completion of a contaminated land survey and measures to deal with any contamination identified.

Yorkshire Water – No objection subject to the inclusion of the following planning condition:

No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

9.0 **MAIN ISSUES**

- Principle of Development
- Local Amenity Issues
- Highway Issues
- Air Quality Issue
- Drainage and Flood Risk Issues
- Contamination Issues
- Representations

10.0 **APPRAISAL**

Principle of development

10.1 The application site is without notation on the UDP proposals map and it is therefore considered that the principal policy determining the suitability of this proposal is D2 which indicates that development on such land will be permitted provided that the proposals do not prejudice:

- i the implementation of proposals in the plan;
- ii the avoidance of over-development;
- iii the conservation of energy;
- iv highway safety;
- v residential amenity;
- vi visual amenity;
- vii the character of the surroundings;
- viii wildlife interests; and
- ix the efficient operation of existing and planned infrastructure.

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

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

This is reflected in Policy B1 of the UDP which indicates that the employment needs of the district will be met by providing land to accommodate the requirements of new and existing businesses

10.3 As this proposal would positively contribute towards the local economy in terms of jobs and investment, it is therefore considered that, subject to this proposal not compromising the key sustainable development principles set out in the NPPF or the issues set out in policy D2 above, this proposal is acceptable in principle.

10.4 Due to the stage the emerging Local Plan has reached with regard to the examination process, it must now be given considerable weight in the consideration of planning applications. The implications of this proposal on the emerging plan must therefore be considered. The site has not been identified in the local plan for a specific purpose and it is considered that this proposal would not therefore prejudice the delivery of the local plan.

10.5 Local Amenity Issues

10.6 UDP Policies BE1 and BE2 are considerations in relation to design, materials and layout. Section 7 of the NPPF indicates that good design is a key aspect of sustainable development and that poorly designed development should be refused.

10.7 The area surrounding the application site exhibits a variety of architectural styles both contemporary and more traditional involving the use of different facing materials including stone, brick and metal cladding. Commercial premises in the immediate vicinity of the site include buildings constructed from materials similar to this proposal.

10.8 The proposed buildings are of a contemporary design making use of materials which are fairly typical for this type of development. They are the height of two storey buildings and their scale would be similar to others in the immediate vicinity. Officers therefore consider that this development would not be out of keeping within the wider setting which, as indicated, includes similar buildings. It is therefore considered that this proposal would not appear as a discordant feature within the area and would not detrimentally affect visual amenity. Consequently it would therefore accord with policies BE1 or BE2 of the UDP, Policy PLP24 of the KPDLP and national policy guidance contained in Section 7 of the NPPF.

10.9 The site is located within an area that has a mixed commercial/residential character and forms part of a wider belt of commercial uses that divide concentrations of residential development to the east and west. The closest residential property bounds the site to the south west off Forge Lane and others are concentrated the north off Mill water Avenue and to the west off Vicarage Road these properties are approximately 125m and 210m from the site respectively.

10.10 The residential property which bounds the site to the south west has windows on the elevation facing this site and would be approximately 7m from the

proposed two storey office building. This office building would be of a similar scale to the residential property and its overall height would be slightly lower than the dwelling. Following negotiations with the applicant, all windows on the office elevation facing the dwelling would be obscurely glazed. Officers consider that the scale of the proposed office building is such that it would not unduly overshadow the dwelling and the use of obscure glazing would mitigate impacts on the privacy of the occupants.

10.11 Due to a combination of existing vegetation the presence of existing buildings the residential properties in the wider landscape to the north and east of the site do not have direct views of the proposed development.

10.12 The site is located within an area that has a relatively high noise climate resulting from the presence of a busy road, the main Wakefield to Huddersfield Railway line and existing commercial activity. This proposal would allow the units to be used for B1 light industry and B8 storage and distribution which officers consider that, bearing in mind the existing noise climate, would not increase noise levels in this area beyond those already experienced. Having said this it is proposed to include a planning condition requiring that before development commences, the applicant provide details of how noise sensitive properties in the vicinity will be protected from noise.

10.13 Highway issues

10.14 The site is served by an existing access which adjoins Forge Lane and the applicant proposes to carry out improvements to ensure HGVs can enter and exit the site safely. This will involve the provision of 2.4m x 43m sight lines and 10m kerb radii at the junction. Vehicle tracking data indicates that HGV vehicles would be able to manoeuvre within the site in order to exit in a forward direction. The applicant has indicated that the development would provide off street car parking spaces (55 including 4 disabled spaces).

10.15 It is considered that the proposed access, parking and manoeuvring arrangements are adequate for a development of this nature. Officers consider that subject to the inclusion of planning conditions to control the issues detailed in paragraph 8.1, the proposal would accord with UDP policies T10 and T19 and KPDL policy PLP 21 with regard to the potential impact this development would have on the local highway network.

10.16 Air Quality issues

10.17 This development has been assessed in accordance with the West Yorkshire Low Emission Strategy Planning Guidance. The size of the development is more than that of prescribed values set out in this document. This proposal is therefore regarded as a 'medium development' for the purposes of the above document. In order to offset the potential damage to air quality as a result of this proposal it is proposed to seek, via planning condition, the following:

- The installation of 1 charging point in 10% of parking spaces
- A Travel Plan which includes: mechanisms for discouraging high emission vehicle use and encouraging modal shift (i.e. public transport, cycling and walking) as well as the uptake of low emission fuels and technologies.

10.18 Officers consider that subject to the measures outlined above, this proposal would accord with KPDLP policy PLP 51 and Section 11 of the NPPF with regard to any detrimental impact on air quality associated with this development.

10.19 Drainage and flood risk issues

10.20 As the application site falls within Flood Zone 2 the 'Sequential Test' must be applied. This is principally designed to steer development away from flood prone areas where possible. However, Planning Practice Guidance indicates that a pragmatic approach should be taken with regard to the availability of alternative sites and the individual circumstances of a proposed development should be considered. The applicant has provided evidence that they have carried out a search for sites of a similar size which fall within Flood Zone 1 within the local area including Ravensthorpe, Dewsbury centre, Thornhill Lees and Thornhill and has been unable to find suitable sites within Flood Zone 1.

10.21 Consequently it is considered that, in this case, the sequential test has been satisfactorily considered and that the exceptions test can therefore be considered with regard to the proposal. Paragraph 102 of the NPPF states that:

"If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate..."

10.22 However, in this case as the proposal is for commercial development and is therefore considered to be less vulnerable development, the application of the exception test is not necessary in this instance.

10.23 The site falls within Flood Zone 2 of the indicative flood plain map which represents a medium risk of flooding. The flood risk assessment carried out in support of this application concluded that the risk of flooding on the site is relatively low (between a 1 in 100 and 1 in 1,000 annual probability of flooding) and measures could be taken to ensure that the development would be safe during a flood event and would not make flooding worse on adjacent sites.

10.24 The Environment Agency has reviewed the above Flood Risk Assessment and has indicated that the proposal is acceptable with regard to flood risk subject to the planning conditions outlined above.

10.25 Bearing in mind the economic benefits this development is likely to bring to the local area and the relatively low risk of problems associated with major flooding, it is considered that, on balance, the wider benefits of this proposal would outweigh any negative impacts associated with flood risk. This proposal therefore accords with KPDLP policy PLP27 and policy guidance contained in section 10 of the NPPF with regard to the potential for the development to be affected by flooding.

10.26 The applicant has not provided details of foul or surface water drainage in the application submission. However, it is considered that these issues can be satisfactorily dealt with via appropriately worded planning conditions.

10.27 Contamination issues

10.28 Due to the history of the site, it is possible that the site could be contaminated and would therefore require satisfactory remediation during development. Should planning permission be granted it is proposed to include a suite of planning conditions requiring that prior to development commencing an intrusive site investigation is carried out and that adequate remediation measures are implemented to deal with any contamination found. Subject to these measures it is considered that this proposal would accord with UDP policy G6, KPDLP policy PLP 52 and Section 11 of the NPPF with regard to potential contamination resulting from the development of the site.

10.29 Representations

Representation from the public has been received with regard to this proposal, the issues raised and associated responses are summarised as follows:

The application would lead to a loss of privacy as a result of overlooking from the proposed office building.

Response: This matter has been considered in the section of the committee report titled "Local Amenity issues"

The supporting Planning statement is inaccurate and misleading.

Response: It is considered that the information contained in the planning statement combined with the case officer's knowledge of the site and area is sufficient to make a reasoned assessment of this proposal.

The residential dwelling at the south western corner of the site has been omitted from the site plans.

Response: The building (2 Forge Lane) does appear on the site plans but has not been identified as a residential property. However, the case officer has visited the site and is aware of this dwelling and the proximity of this proposal to it. This matter has therefore received consideration during the assessment of the application and has resulted in the applicant agreeing to provide obscure glazing on the western elevation of the two storey office building which would be adjacent to 2 Forge Lane.

The applicant has failed to provide any information regarding the position of waste bin storage on the site

Response: The applicant has demonstrated that a refuse vehicle can safely enter the site and manoeuvre to exit in a forward direction. The site has sufficient room to accommodate commercial refuse bins the details of which can be secured by planning condition.

The proposal would result in noise nuisance being experienced by the nearest residential properties.

Response: This matter has been considered in the section of the committee report titled "Local Amenity issues"

The proposal would compromise highway safety in the area

Response: : This matter has been considered in the section of the committee report titled "Highways issues"

The proposed materials would not reflect existing development in this area
Response: This matter has been considered in the section of the committee report titled “Local Amenity issues”

11.0 CONCLUSION

- 11.1 The proposal would have the potential to allow new business to locate within the Kirklees area. The design of the proposed new units is considered to be satisfactory and it is considered that the development would not appear as incongruous within this particular setting, which has similar structures within close proximity.
- 11.2 The development is served by existing access arrangements and provides adequate parking and vehicle manoeuvring facilities within the site and it is therefore considered that it would not adversely affect the local highway network. Noise generated by the development is unlikely to add significantly to the existing noise climate and would not therefore have a significant additional detrimental impact on the nearest residential properties.
- 11.3 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government’s view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

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

1. Standard 3 years to implement permission
2. Standard condition requiring development to accord with approved plans
3. No development on the buildings superstructure until samples of facing and roofing materials have been approved.
4. No occupancy until 2.4m x 43m site lines have been provided at the access
5. No occupancy until access radii indicated have been implemented
6. No occupancy until areas to be used by vehicles have been surfaced sealed and parking spaces marked out
7. land set aside for potential cycle route link not to be developed or permanently obstructed
8. The submission of a scheme providing drainage details for the site before development commences
9. The submission of a surface water management scheme before development commences

10. The floor levels of the development to be above 39.96 AOD
11. The implementation of an intrusive contaminated land survey.
12. The submission of a site remediation strategy if required
13. Implementation of site remediation strategy if required
14. Submission of remediation validation if required
15. The submission of a scheme detailing how noise sensitive properties are to be protected
16. All windows on the western elevation of the office building to be non-opening and obscurely glazed
17. No occupancy until details of extract ventilation systems have been approved
18. No occupancy until details of refuse bin storage areas have been submitted and agreed.
19. The installation of electric vehicle charging points
20. The submission of a low emissions travel plan
21. The submission and approval of a landscaping scheme (including maintenance arrangements)
22. The submission of a scheme indicating how the site will be artificially lit

Background Papers:

Application and history files.

Website link - <http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f91081>

Certificate of Ownership – Certificate A signed: 23 March 2017

Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 02-Nov-2017

Subject: Planning Application 2017/91213 Extraction of minerals and subsequent reclamation to agriculture Land to the east of, Arborary Lane, and North of Whitehead Road, Crosland Moor, Huddersfield

APPLICANT

Mr Berry, Johnsons
Wellfield Limited, C/O
Agent

DATE VALID

05-Apr-2017

TARGET DATE

05-Jul-2017

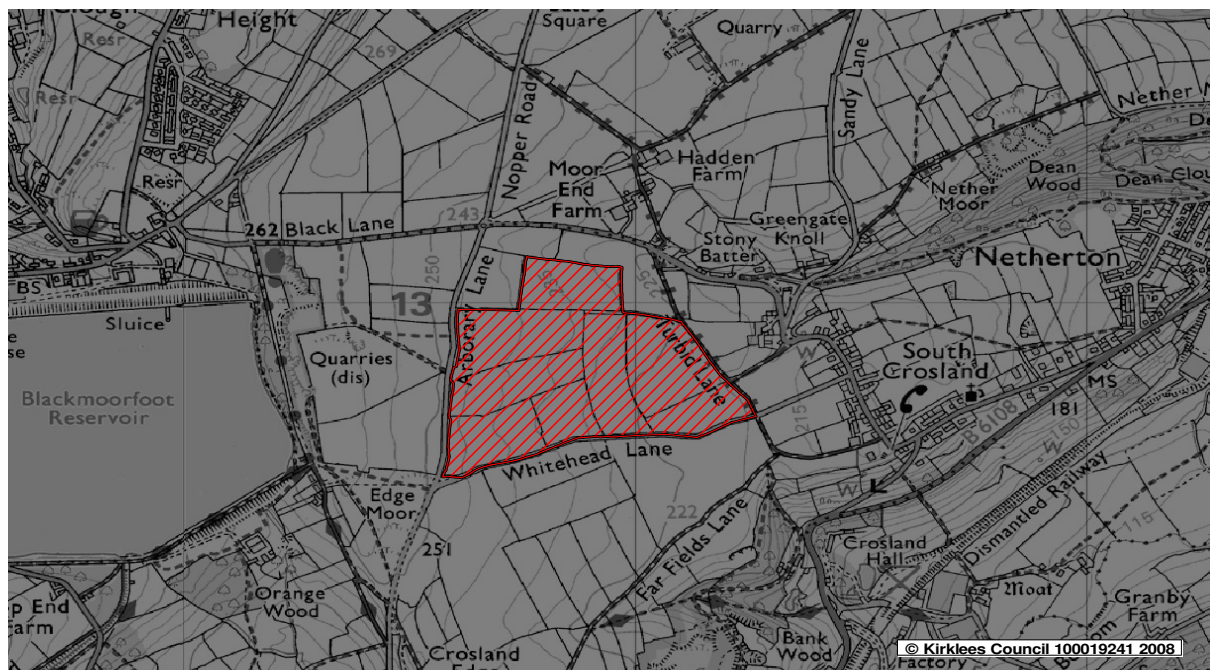
EXTENSION EXPIRY DATE

30-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:

- Home Valley North
- Crosland Moor & Netherton

 Yes

Ward members notified

RECOMMENDATION:

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

(i) The provision and maintenance of passing places along Arborary Lane and Nopper Road.

(ii) Linking the restoration of the airfield extension area to the commencement of mineral extraction at this site.

(iii) The construction and subsequent dedication of the proposed footpath link from Turbid Lane to Arborary Lane

(iv) The establishment of a Liaison Group

(v) The agreement of and subsequent implementation of a formal road cleaning scheme

(vi) The control of vehicle routeing

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

1.0 INTRODUCTION:

1.1 This application is brought to the Strategic Planning Committee as the proposal is for a new minerals extraction site.

2.0 SITE AND SURROUNDINGS:

2.1 The application site occupies an area of approximately 23.5 ha in total and comprises 8 agricultural fields located off Arborary Lane and Whitehead Road which have historically been used for grazing livestock and the annual production of silage. The topography of the site sees the land generally fall to the east from Arborary Lane towards South Crosland with levels changes of

approximately 25m from the highest to the lowest points. The eastern boundary of the application site is located approximately 250m to the west of the centre of South Crosland. The area surrounding the site is rural in character with a number of isolated residential properties and farmsteads to the north and west, the closest to the site being Moor End farm to the north. More residential properties are concentrated around the village of South Crosland to the east of the site in the vicinity of School Hill, Top of the Hill and Midway. Whilst being predominantly rural in character, the wider area includes existing operational mineral extraction sites operated by the applicant which are approximately 0.7km to the north and 1.5km to the north east. The wider area also includes Blackmoorfoot Reservoir 0.4km to the west and Crosland Moor aerodrome which is close to the existing mineral workings approximately 0.7 km to the north.

3.0 PROPOSAL:

3.1 This application seeks full planning permission to extract approximately 1 million tonnes of sandstone mineral from the site over a period of 20 years in a series of 3 phases which would move in a clockwise direction around the site. These phases would then be progressively restored primarily to agricultural use with some nature conservation.

3.2 The applicant has indicated that it is their intention to work this site in parallel with their other operational mineral extraction sites (airfield extension and Thewlis Lane). However, the applicant has confirmed that mineral extraction within this site would not commence until a specific level of restoration has been achieved at their airfield extension.

3.3 In summary the site would be worked as follows:

Phase1 – This would initially involve the preliminary stages of development and would see the creation of the site access onto Arborary Lane, the formation of the quarry haul route and the preparation of screen bunds. Once these preliminary works have been completed the excavation of the first mineral extraction area would commence. This phase of the development represents an area of approximately 8.5 ha and is located within the eastern sector of the site. Material removed from this area would be used to form bunds to screen the Phase 2 area. Once mineral extraction is nearing completion within this area, soils would be stripped from the Phase 2 area ready for mineral extraction in conjunction with this, the majority of the phase 1 area will be restored allowing the screening bund along the eastern boundary of the site to be removed once restoration is complete.

Phase 2 - This area is in the western sector of the site and represents an area of approximately 11.2 ha. Prior to mineral extraction commencing, screen bunds would be provided or enhanced to ensure the extraction area is adequately screened. Mineral extraction and progressive restoration would then proceed.

Phase 3 – The final phase involves the smallest area in the northern sector of the site and represents an area of approximately 2.8 ha. Quarry waste temporarily stored in this area would be used to help backfill the remaining void space in the Phase 2 area. Following completion of mineral extraction all remaining screen mounds will be used to complete the final restoration of the site and all site infrastructures would be removed.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Whilst there is no relevant planning history directly relating to this site, this proposal would form part of a larger existing quarry complex to the north. This currently has a disturbed footprint occupying an area of approximately 25 ha. and has historically been developed under a number of different planning permissions since 1928. Approximately 22 ha. of former mineral extraction workings have been backfilled and restored over the past 20 years. However, it is necessary to keep some parts of worked out voids open to facilitate the transport and processing of minerals and due to the interdependence of the mineral extraction areas in the provision of suitable backfill material.
- 4.2 The whole of the present quarry complex can be divided into six operational areas which can be summarised as follows:

Crosland Moor (Airfield) extension – This is at the south eastern edge of the quarry complex and one of two areas currently producing mineral. This part of the quarry is divided into a number of phases, the first 3 of which have been worked and restored. Current extractive operations are now mainly within the phase 5 of the 6 phases. The applicant has estimated that the remaining unworked part of this site contains very limited reserves which at current production rates are likely to be exhausted in the very near future. However shales will continue to be required to backfill the Thewlis lane extension area following the exhaustion of sandstone.

Thewlis Lane Extension – This is on the north eastern edge of the quarry complex on land that used to form part of Thewlis Lane Farm. Mineral is now being extracted from this site in tandem with the Airfield extension site. The current planning permission requires that mineral extraction should cease and the site be fully restored by 31 December 2025. As previously indicated the Thewlis Lane site relies on shales extracted from the Airfield extension area to provide a suitable backfill material that can be compacted to allow the potential development of the restored site.

Moorfield Quarry – This is a worked out quarry immediately adjacent to and south west of Sands House Lane which has been partially restored. This part of the site is used as the site's aggregates processing area. Various types of crushing and screening equipment are located in this area below ground level producing a variety of grades of aggregates and sand.

Water Holes Quarry - Has been worked out and much of the former quarry void has now been restored. This involved the use of quarry waste supplemented by the import of inert waste. An interim landform has been completed and has been grass seeded or planted with trees and is now well established. Limited public access to this area is allowed subject to measures to prevent access to the active areas of the quarry. Part of this area is now used as a stocking area for extracted stone blocks to allow them to season prior to being processed.

Water Holes extension - which is to the south of Water Holes Quarry and immediately adjacent to Sandy Lane. This part of the quarry has been practically exhausted of workable mineral. The applicant proposes to use this void for the temporary storage of shale extracted from the Airfield extension which will subsequently be used in the backfilling of the Thewlis Lane

extension. Final restoration of this part of the site is therefore tied to the completion of restoration works in the Thewlis Lane Quarry.

Wellfield Quarry - which is in the north eastern sector of the quarry complex and is bounded by Thewlis Lane to the east and Blackmoorfoot Road to the north. This part of the site was worked out of mineral many years ago and now houses the main stone processing plant/workshops, stone stocking areas, finished product storage areas and administrative buildings.

5.0 HISTORY OF NEGOTIATIONS:

5.1 During the consideration of this application negotiations with the applicant have secured the following:

- Highway improvements
- Access design improvements
- Further bird survey work
- Additional work on drainage regimes and whether effects on ground water would impact on Blackmoorfoot Reservoir
- Additional information regarding the potential impact this development would have on Castle Hill
- Changes to the design of the scheme which require the completion of the restoration of an agreed area of the existing quarry (Airfield Extension) working before mineral extraction can take place at the application site.
- Dedication of the proposed footpath link once the site is fully restored.

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 Examination in Public began in October 2017. 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. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant 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 The site is allocated as Green Belt in the adopted Unitary Development Plan and it is considered that the following policies and documents are relevant to this application:

M 1 - General principles relating to minerals applications

M3 - Sets out the criteria for dealing with applications involving mineral extraction

EP4 – Noise sensitive development

EP6 – Noise generating development

T10 – Highway safety

R13 – Development affecting public rights of way

- 6.3 National Planning Guidance:

National Planning Policy Framework Section 1 – Building a Strong, Competitive Economy

National Planning Policy Framework Section 11 – Conserving and Enhancing the Natural Environment

National Planning Policy Framework Section 12 – Conserving and Enhancing the Historic Environment

National Planning Policy Framework Section 13 – Facilitating the Sustainable Use of Minerals

National Planning Practice Guidance - Minerals

- 6.4 Kirklees Publication Draft Local Plan (KPDLP)

PLP3 – Location of new development

PLP21 – Highway safety and access

PLP24 – Design

PLP27 – Flood risk

PLP28 - Drainage

PLP30 – Biodiversity & Geodiversity

PLP32 - Landscape

PLP36 - Proposals for mineral extraction

PLP37 – Minerals site restoration and aftercare

PLP35 – Historic Environment

PLP52 – Protection and improvement of environmental quality

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application was publicised by the erection of 30 site notices (including 15 notices required under the Environmental Impact Assessment Regulations), the posting of 88 neighbour notification letters and by advertisement in the Huddersfield Examiner. This resulted in the receipt of a total of 80 representations 48 of which are in support of the proposal and 32 objected. The issues raised in these representations are summarised as follows:

7.2 Support:

- The materials extracted would benefit the local and national economy
- This proposal would safeguard jobs at Johnson Wellfield Quarries and within the wider Myers Group.

- There is known to be a significant resource of high quality stone in this area.
- This proposal would allow Johnson Wellfield Quarries to continue to operate for many years to come.
- The stone produced by Johnson Wellfield Quarries is some of the best and used in high prestige projects around the Country including within Huddersfield.
- Johnson Wellfield Quarries support a number of community projects in the area.
- The Myers Group which includes Johnson Wellfield Quarries contributes significant to the local economy through wages, the use of local services, suppliers and contractors.
- The applicant has a good track record of working their existing sites in an environmentally way and providing a high level of restoration
- If Johnson Wellfield could not continue to operate at their current levels it would have a significant detrimental impact on the local economy.
- This proposal could lead to increased employment at Johnson Wellfield Quarries.
- Staff are highly trained by JWQ and often stay employed at the site for many years as job security and conditions are.
- The stone produced by JWQ is in high demand
- JWQ are a family business and are a credit to the local community
- Stone produced at Crosland Moor quarries has been used on many historic buildings in the area and therefore helps to preserve the area architectural heritage.
- The proposed route for HGVs would be acceptable

7.3 Object:

- The proposal would detrimentally affect the South Crosland Conservation Area
- The operation of a quarry on this land will detrimentally affect the visual amenity of the area
- The development would have negative impact on the value of residential properties in the area
- The amenity of the area would be adversely affected by noise and dust resulting from activities at the site

- Highway safety in the vicinity of the site would be detrimentally affected
- Local wildlife would be adversely affected by this proposal
- Quarrying this land would reduce the volume of water naturally draining from the site which would detrimentally impact on local water courses
- This proposal would block an existing public right of way (Turbid Lane)
- This proposal would result in the loss of good quality productive farm land
- The landscape character of the area will be negatively affected by this proposal
- This proposal will bring no economic benefit the area affected by the development
- The ecology of Dean Wood would be detrimentally affected due to changes in local water regimes resulting from this development
- The proposal could contaminate local water bore holes which supply some residential properties in the area
- The site fall within the Green Belt and this proposal is therefore inappropriate in this location
- The construction of screen mounds would create an alien feature in the landscape
- The cumulative impact of this development has not been fully assessed in the application submission.
- The applicant has not provided sufficient evidence to justify the need for the mineral resulting from this development

Meltham Town Council was consulted with regard to this proposal and offered the following comments *“That the Council notes the application”*

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C. Highways DM – No objection subject to the inclusion of the following planning conditions:

(i) There shall be no more than 50 heavy goods vehicle movements (25 in and 25 out) at the site in any one day.

(ii) Notwithstanding the details shown on plan, no development shall take place until a scheme detailing the provision (and reinstatement upon completion of the development) of vehicle passing places on Nopper Lane and Arborary Lane between the junction with Blackmoorfoot Road and the development site access have been submitted to and approved in writing by

the Local Planning Authority. The details shall include full sections, construction specifications, drainage works, surface finishes, and all associated highway works. The scheme so approved shall be implemented before the development is first brought into use and thereafter retained as such for the lifetime of the development.

(iii) The development shall not commence until the proposed access including 4.5 x 120m sight lines as shown on plan number 364304-MM-00-DR-C-0001 shall be laid out, surfaced, and drained in accordance with details that have previously been approved in writing by the Local Planning Authority.

(iv) No development shall commence until a vehicle management plan has been submitted to and approved in writing by the Mineral Planning Authority which provides the following information:

A, Vehicle routing arrangements to and from the site

B On and off site vehicle/driver protocols

C, Monitoring arrangements

D, Incident/action procedures

E, Details of the times of use of the access

F, Construction workers parking facilities

G, The provision, use and retention of adequate wheel washing facilities

The approved scheme shall be fully implemented prior to development commencing and shall be retained for the duration of this planning permission.

(v) No development shall commence until a highway maintenance scheme has been submitted to and subsequently agreed in writing by the Mineral Planning Authority. The scheme shall provide for:

- An initial inspection of the those sections of Arborary Lane and Nopper Road between the site access and the junction of Nopper Road with Blackmoorfoot Road prior to any development commencing;
- the subsequent regular inspection of the said sections of highway; and
- the means of carrying out any repairs identified following inspection which are directly related to HGV traffic associated with this planning permission.

The development shall only be carried out in accordance with the requirements of the approved scheme.

The Environment Agency – No objection

K.C. Strategic Drainage – No objection subject to the inclusion of the following planning condition:

“Development shall not commence until a scheme, detailing the treatment of all drainage from the development in settlement ponds or alternative treatment system, has been submitted to and approved in writing by the Local Planning Authority. The site should examine the 1 in 10 critical rainfall event in this analysis. No other part of the development shall commence until the works comprising the approved treatment scheme have been completed. The treatment scheme shall thereafter be retained, maintained to ensure efficient working and used throughout the lifetime of the development.”

Coal Authority – No objections

National Grid – No response

Natural England – Advise that as the site is relatively close to the Peak District Moors (South Pennine Moors Phase 1) Special Protection Area (SPA), which is a European site, Kirklees Council are required to carry out a Habitat Regulations Assessment (HRA). Furthermore NE originally advised that, based on the original submission documents, the likelihood of significant effects arising from the proposal could not be ruled out and an Appropriate Assessment should be carried out by the Council following additional survey work to establish whether Golden plover use this site.

However, following the review of additional Golden Plover survey works, NE confirmed that it considered that this proposal would not have a likely significant effect on the SPA.

NE also indicated that as the Agricultural Land Classification of soils at this site is only 4, site restoration should focus on biodiversity and therefore recommend that the site be restored to species rich hay meadow or pasture.

8.2 **Non-statutory:**

K.C. Environmental Health – No objection subject to the inclusion of the following planning conditions:

(i) Noise screening mounds shall be constructed in accordance with the Environmental Impact Assessment (February 2017) and Figure D5 (Site Boundary and Phasing Plan dated Dec 2016 CS1067-D9v6).

(ii) Except in emergencies to maintain safe quarry working, which shall be notified to the Mineral Planning Authority as soon as practicable, or unless otherwise agreed in writing by the Mineral Planning Authority:

a) no operations, other than water pumping, servicing and environmental monitoring shall be carried out on the site except between the following times:

0730-1800 Mondays to Fridays
0800-1300 Saturdays

b) no operations other than water pumping and environmental monitoring shall take place on Sundays and Bank Holidays.

The site attributable free field equivalent continuous A weighted sound pressure level (LAeq,T) when measured at a height of 1.3-1.5m above ground and at least 3.5m from any reflecting structure other than the ground, measured at 'Noise Monitoring Locations' as detailed on **drawing number 1 rev B.0 SK-NQ-002 Project Number 1544171** in the Environmental Impact Statement dated February 2017, or at equivalent positions agreed with the Mineral Planning Authority, shall not exceed:

a) 70dB(A) in any one hour period at any noise sensitive property during exceptionally noisy operations such as the construction and removal of screen mounds, soil stripping and replacement and the initial part of the quarry phasing, as agreed in advance with the Mineral Planning Authority (this noise limit is only permitted for a maximum of 8 weeks in any 12 month period);

b) 10 dB(A) above the measured background noise level (L90T) in any one hour period at the Noise Monitoring Locations as detailed on drawing "project number "1544171 SK-NQ002 Rev B.0 Dwg 1 dated 17 February 2017 (Golder Associates).

(iii) Except with the prior written approval of the Mineral Planning Authority, exceptionally noisy operations (as defined in **Condition XX**) shall only be carried out between the hours of:

0900-1730 Mondays to Fridays

0900-1230 Saturdays

and at no time on Sundays or Bank Holidays. All vehicle reversing warning systems and/or alarms shall be operated in accordance with Specifications to be agreed (as per paragraph H6.5 in chapter H (noise) of the EIA dated February 2017) with the Mineral Planning Authority prior to the commencement of all site operations. At all times the Best Practicable Means shall be employed to prevent and counteract the effects of audible alarms on nearby residents.

(iv) Unless otherwise agreed in writing by the Mineral Planning Authority there shall be no blasting on the site. Prior to the commencement of the development a noise monitoring scheme shall be submitted to and approved in writing by the Mineral Planning Authority. The submitted scheme shall provide details of

- a) equipment to be used;
- b) noise monitoring station locations;
- c) frequency of monitoring;
- d) methodology to be employed.

The operator shall retain the results of noise monitoring for a minimum of 12 months for

inspection by the Mineral Planning Authority.

(v) Prior to the commencement of activity on the permitted site a clean supply of water shall be provided to the site for the suppression of dust, the supply must be sufficient for use across the entire site. Within 3 months of the date of this permission a scheme for the suppression of dust shall be submitted to and agreed in writing by the Mineral Planning Authority (EIA Chapter G6.1 details the development and implementation of a dust management plan). The submitted scheme shall provide for:

- a) the suppression of dust caused by the movement, transport and storage of stone, soils and overburden;
- b) seeding of all screening mounds and soil stockpiles which will be in place for more than 6 months;
- c) speed restriction of 15 miles per hour for all vehicles using the haul road;
- d) use of water bowsers and water spray units for the suppression of dust;
- e) all plant used on site to have upward facing exhausts;
- f) heavy plant to be fitted with radiator deflector units;
- g) suspension of the movement of mineral, soils and overburden on site when local wind speed exceeds 20 metres per second;
- h) provision and use of effective means to prevent the deposition of mud and other materials on the highway.

The approved scheme shall be implemented and complied with at all times.

(vi) Prior to soil stripping commencing on the permitted site a dust monitoring scheme shall be submitted to and approved in writing by the Mineral Planning Authority. The submitted scheme shall provide details of

- a) equipment to be used;
- b) dust monitoring station locations;
- c) frequency of monitoring;
- d) methodology to be employed.

The operator shall retain the results of dust monitoring for a minimum of 12 months for inspection by the Mineral Planning Authority.

K.C. Conservation and Design – No objection

K.C. Policy – No objection

K.C. Biodiversity Officer – No objection subject to the inclusion of the following planning conditions:

“1. No site clearance or soil stripping shall take place until a method statement for the avoidance of impacts to nesting birds and brown hare has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) purpose and objectives for the proposed works;
- b) detailed working method(s) necessary to achieve stated objectives;
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, making reference to the agreed phasing of works;
- e) persons responsible for implementing and/or overseeing the works.

The works shall be carried out strictly in accordance with the approved details.

2. No development shall take place until an Ecological Enhancement Plan, detailing the means of ecological enhancement to be implemented during operation and following restoration, has been submitted to and approved in writing by the local planning authority. The Ecological Enhancement Plan shall include the following.

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the agreed phasing of works.
- g) Clear indication of which features/management practices are temporary or permanent and, where relevant, the duration of retention/implementation.

- h) Persons responsible for implementing and/or overseeing the works.
- i) Details of initial aftercare and long-term maintenance.
- j) Details for monitoring and remedial measures.
- k) Details for disposal of any wastes arising from works.

The Ecological Enhancement Plan shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.”

K.C. PROW – No objections subject to the proposed footpath link being dedicated by the applicant to the Council prior to the restored land being sold for agricultural use and the path being constructed to a minimum width of 2m and to include two way opening gates not ladders.

K.C. Landscape – No objection

Yorkshire Water – No objections

Northern Gas Networks – No response

West Yorkshire Archaeology – Advise that an intrusive archaeological assessment should be carried out prior to this application being determined but have indicated that should the planning permission be determined prior to such an assessment being completed then one of the following planning conditions should be included:

"No development to take place within the area indicated until the applicant, or successors in title, has secured the implementation of a programme archaeological recording. This recording must be carried out by an appropriately qualified and experienced archaeological consultant or organisation, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority."

Or,

"No development shall take place/commence until a written scheme of archaeological investigation (WSI) has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

- *The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works*
- *The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI"*

West Yorkshire Ecology – No response

Yorkshire Electricity – No response

Health and Safety Executive – No response

9.0 MAIN ISSUES

- Principle of development
- Local amenity issues
- Landscape issues
- Environmental issues
- Heritage issues
- Highway issues
- Hydrology/Drainage/Flood Risk issues
- Socio-economic issues
- Planning obligations
- Representations
- Other matters

10.0 APPRAISAL

10.1 Principle of development

10.2 The NPPF advocates that the purpose of the planning system is to contribute to the achievement of sustainable development and indicates that there are three dimensions to sustainable development (economic, social and environmental). Para. 7 of the NPPF goes on to indicate that these dimensions give rise to the need for the planning system to perform the following roles:

10.3 Economic role – contributing to a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements; including the provision of infrastructure;

10.4 Social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well being

10.5 Environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to low carbon economy.

10.6 Guidance in the NPPF also indicates that there is a presumption in favour of sustainable development and that in decision taking, applications that accord with the development plan should be approved without delay. Furthermore the NPPF provides a positive approach to strong economic development. Paragraphs 19 and 20 state that: ‘...significant weight should be placed on the

need to support economic growth through the planning system. To help economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.'

- 10.7 Paragraph 142 of the NPPF states that minerals are essential to support economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, building, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found it is important to make the best use of them to secure their long-term conservation.
- 10.8 Annex 2 of the NPPF includes a definition of the term 'minerals of local and national importance'. This lists a series of 'minerals which are necessary to meet society's needs' and includes local minerals of importance to heritage assets and local distinctiveness – the sandstone which will be extracted as part of the proposed development is therefore considered to fall within this definition.
- 10.9 The sandstone extracted from quarries at Crosland Moor is considered to be of a high quality and has been used on projects both within Kirklees and throughout the country as a whole. Investigations carried out by the applicant indicate that the stone located within the application site is of similarly high quality to that which has been extracted from the other areas in the immediate vicinity and would therefore continue the supply of a mineral product which is both of local and national significance and cannot be readily substituted.
- 10.10 The site is located within the Green Belt and it is therefore considered that the key consideration is first whether the proposed development is appropriate development within the Green Belt and, if not, whether there are any very special circumstances which clearly outweigh the harm that would be caused to the Green Belt by reason of inappropriateness or by any other harm.
- 10.11 Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence.
- 10.12 Paragraph 87 of the NPPF confirms that inappropriate development within Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 goes on to say that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.
- 10.13 Paragraph 89 of the NPPF lists a number of exemptions which are not considered to be inappropriate development and paragraph 90 lists forms of development which can be considered to be appropriate subject to the openness of the Green Belt being preserved and there being no conflict with the purposes of including land within the Green Belt. Mineral extraction is included as a form of development which is potentially appropriate in the Green Belt as stipulated paragraph 90.

10.14 The site is not allocated for mineral extraction in the adopted Unitary Development Plan. However, it must be borne in mind that this does not preclude such development. As with other forms of development, whilst the development status of the land is a material consideration, this represents one of a number of considerations and ultimately any decision must be balanced against the merits of the proposal.

10.15 In respect of the emerging Local Plan, the Publication Draft Local Plan (PDLP) was submitted to the Secretary of State on 25th April 2017 for examination in public. The site forms a minerals extraction allocation (ME2568) 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.

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

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

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

10.17 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.

10.18 Given the scale of the development proposed when assessed against the wider context of the PDLP the application is not be deemed to be premature as the proposed development, by virtue of its limited scale and strategic importance, is not considered to be central to the delivery of the Local Plan. Whilst officers do not consider that the application is premature in terms of the emerging Local Plan, 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 emerging Local Plan. However, it is also noted that the proposed mineral extraction allocation (ME2568) has received a substantial number of unresolved objections and this is considered to reduce the weight afforded to the allocation in the emerging Local Plan. In short, limited weight is afforded to the emerging mineral extraction allocation in this case.

10.19 Due to the nature of this proposal, it fulfils the criteria stipulated in the Town and Country Planning (Environmental Impact Assessment) Regulations for consideration as an application which must be accompanied by an Environmental Impact Assessment (or Environmental Statement as it is properly known). Such an Environmental Statement (ES) was provided in support of this application which included chapters covering the following issues:

- Chapter A – Introduction
- Chapter B – The Site and Setting
- Chapter C – Planning Policy Context
- Chapter D – Description of Development
- Chapter E – Transport
- Chapter F – Landscape and Visual Impact
- Chapter G – Air Quality
- Chapter H – Noise
- Chapter I - Ground and Hydrogeology
- Chapter J – Water and Drainage
- Chapter K – Ecology
- Chapter L – Archaeology and Heritage
- Chapter M – Socio Economic
- Chapter N – Residual and Cumulative Effects

It is considered that this ES is sufficient to assess the likely impacts this proposal would have on the environment.

10.20 Whilst it is acknowledged that this proposal would have an impact on the local area (see sections below), on balance it is considered that the principle of developing the site for mineral extraction is acceptable subject to there being no conflict with local or national policy documents with regard to its associated impacts.

10.21 **Local Amenity**

10.22 Residential Amenity -The proposed site lies on open land that is remote from residential properties. However, there are residential properties within the wider landscape, the closest of these are listed below:

- Moor End Bungalow (115m to the north east)
- Top of Hill (150m to the east)
- Moor End Farm, Walker Syke and Hadden Farm (180m to the north)
- Various off Midway (220m to the east)
- Various at Edge End (300m to the west)

It is considered that the principal effects on residential amenity associated with working this site would be in respect of noise, dust/air quality and visual impact.

- 10.23 Noise – As part of the environmental impact assessment supporting this Application, a full noise report was commissioned by the applicant to assess the current baseline conditions, the potential effects associated with this development including predicted noise levels and proposed mitigation measures.
- 10.24 The noise report used five locations around the site considered to be noise sensitive receptors (NSR). These locations were used to measure existing noise levels and to model how predicted noise levels would impact on the surrounding area. These five locations are listed as follows:
- NSR1. Intake Lane at Moor End Farm (Grid Ref: 411052 413161)
- NSR2. Crosland South, Junction of Magdin Lane and Midway (Grid Ref: 411433 412791)
- NSR3. Crosland Spring Road (Grid Ref: 411484 412484)
- NSR4. Reservoir Side Road at SE corner of Blackmoorfoot Reservoir (Grid Ref: 410277 412594)
- NSR5. Junction of Reservoir Side Road and Black Lane, Blackmoorfoot (Grid Ref: 410163 413148)
- 10.25 With regard to minerals development, current planning practice guidance advises Mineral Planning Authorities that, at a noise-sensitive property, noise generated by minerals development should not exceed the background noise level (LA90,1h) by more than 10dB(A) during normal working hours (0700-1900) or exceed 55dB(A)LAeq whichever is the greater.
- 10.26 However, it is recognised that certain temporary activities required to facilitate minerals extraction such as soil-stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new permanent landforms and aspects of site road construction and maintenance are likely to exceed the aforementioned limits. Consequently paragraph 22 of the minerals section of current planning practice guidance indicates that increased temporary daytime noise limits of up to 70dB(A) LAeq 1h (free field) for periods of up to 8 weeks in a year at specified noise-sensitive properties should be considered to facilitate essential site preparation and restoration work and construction of baffle mounds where it is clear that this will bring longer-term environmental benefits to the site or its environs.
- 10.27 The applicant has made predictions regarding associated noise levels based on the use of specific equipment at this site including a mechanical excavator, dumper trucks, dozer, drill rig and road wagons and these predicted noise levels compared to the maximum levels expected based on the above guidance are shown below:

NSR	Noise Limit (dBLAeq)	Predicted noise level Phase1-stage1 (dBLAeq)	Predicted noise level Phase 1- stage 2 (dBLAeq)
NSR 1	70	49.5	51.7
NSR 2	70	43.1	48.3
NSR 3	70	32.0	27.8
NSR 4	70	43.0	36.0
NSR 5	70	42.3	34.7

NSR	Noise Limit (dBLAeq)	Phase 1 stage 3 Predicted (dBLAeq)	Phase 1 Stage 3 Difference (dBLAeq)	Phase 1 stage 4 Predicted (dBLAeq)	Phase 1 stage 4 Difference (dBLAeq)
NSR 1	51.0	46.8	- 4.2	49.0	- 2.0
NSR 2	49.6	42.8	- 7.4	46.1	- 3.5
NSR 3	58.7	24.0	- 34.7	28.5	- 30.2
NSR 4	44.3	33.3	- 11.0	36.2	- 8.1
NSR 5	49.6	32.3	- 17.3	35.2	- 14.4

NSR	Noise Limit (dBLAeq)	Phase 2 Stage 5 Pred. (dBLAeq)	Phase 2 Stage 5 Diff. (dBLAeq)	Phase 2 Stage 6 Pred. (dBLAeq)	Phase 2 Stage 6 Diff. (dBLAeq)	Phase 2 Stage 7 Pred. (dBLAeq)	Phase 2 Stage 7 Diff. (dBLAeq)
NSR 1	51.0	48.7	- 2.3	45.7	- 5.3	46.5	- 4.5
NSR 2	49.6	45.6	- 4.0	40.2	- 9.4	40.1	- 9.5
NSR 3	58.7	29.3	- 29.4	29.9	- 28.8	29.6	- 29.1
NSR 4	44.3	38.6	- 5.7	40.5	- 3.8	40.3	- 4.0
NSR 5	49.6	37.2	- 12.4	38.6	- 11.0	38.2	- 10.8

NSR	Noise Limit (dBLAeq)	Phase 3 Stage 8 Pred. (dBLAeq)	Phase 3 Stage 8 Diff. (dBLAeq)	Phase 3 Stage 9 Pred. (dBLAeq)	Phase 3 Stage 9 Diff. (dBLAeq)
NSR 1	51.0	40.0	- 11.0	47.3	- 3.7
NSR 2	49.6	38.2	- 11.4	41.7	- 7.9
NSR 3	58.7	28.4	- 30.3	28.9	- 29.8
NSR 4	44.3	38.8	- 5.5	38.4	- 5.9
NSR 5	49.6	35.9	- 13.7	36.3	- 13.3

10.28 Based on the results outlined above, noise emissions from the site during initial site works are predicted to be substantially below the noise limits fixed with reference to current planning practice guidance and are expected to have a negligible impact at the nearest noise sensitive receptors.

10.29 Noise levels during the extraction phases are predicted to be below the relevant adopted noise limit and no significant adverse noise effects are

expected to occur. The level of noise effect at the nearest sensitive receptors will vary between moderate and negligible through the life of the consented operations.

10.30 The applicant has indicated that in order to minimise the impact of noise resulting from this development the following mitigation measures would be implemented:

- Best practicable means will be followed to reduce the noise impact upon the local community. Measures incorporated into the operation of the Scheme to be implemented include those described below
- Proper use of plant with respect to minimising noise emissions and regular maintenance. All vehicles and mechanical plant used for the purpose of the works will be fitted with effective exhaust silencers and will be maintained in good efficient working order.
- Selection of inherently quiet plant where appropriate. All plant will be fitted with properly lined and sealed acoustic covers which will be kept closed whenever the machines are in use and will be fitted with mufflers or silencers of the type recommended by the manufacturers.
- Machines in intermittent use will be shut down when not working or throttled down to idle.
- Broadband 'white noise' alarms will be fitted to the mobile plant to reduce the likelihood of annoyance arising from use of 'beeper' alarms during reversing.
- Activities will adhere to the codes of practice for working on open sites given in British Standard BS 5228 and the guidance therein minimising noise emissions from the Site.
- The following hours of working limitations will be applied at the Site: Except in emergencies to maintain safe quarry working, which shall be notified to the Mineral Planning Authority as soon as practicable, or unless otherwise agreed in writing by the Mineral Planning Authority:
 1. No operations, other than water pumping, servicing and environmental monitoring shall be carried out on the site except between the following times:
0730-1800 Mondays to Fridays;
0730-1300 Saturdays
 2. No operations other than water pumping and environmental monitoring shall take place on Sundays and Bank/Public Holidays.
No vehicle movements will take place outside of these hours.

10.31 It is therefore considered this proposal would accord with UDP policies EP4, EP6 and M3, KPDLP policies PLP36 and PLP52 and Section 11 of the NPPF with regard to the potential impacts of noise associated with this development.

10.32 Dust/Air Quality – The applicant has submitted an Air Quality Assessment (AQA) to support this application as part of the associated EIA. Like the noise assessment, the AQA considers the current baseline conditions and then

predicts the likely impacts associated with the operation of the proposed development.

- 10.33 During the construction phase of the development it is considered that air quality has the potential to be affected by dust emission associated with the movement of soil and additional exhaust emissions resulting from the movement of construction vehicles onto the road network.
- 10.34 The AQA considers that during the initial site preparation works the number of vehicle movements on the local highway network will be low and as a consequence associated impacts on air quality would be negligible.
- 10.35 The AQA also predicts that at the construction phase of the development there would be a negligible to low risk of adverse dust effects before the implementation of mitigation measures.
- 10.36 During the operational phase of the development potential impacts on air quality would be associated with:
- dust emissions resulting from the extraction of mineral;
 - dust emissions associated with handling and transport of mineral;
 - increased vehicle exhaust emissions associated with site operations and the transport of extracted mineral
- 10.37 The AQA predicts that the impact on the amenity of the area resulting from dust emissions and additional vehicle exhaust emissions would be negligible and that the proposed mitigation measures would reduce this impact further.
- 10.38 The AQA has recommended that this development should be operated in conjunction with a dust management plan which would mitigate any impacts and should include the following.
- The provision of seeded bunds to be constructed around the border of the quarry to act as a physical barrier to airborne dust
 - operational site area which includes both extraction and restoration will be limited to a footprint of approximately 4ha to reduce the exposed area of potential dust generating materials,
 - manage spoil generation and phase the site reclamation
 - reclaimed areas of the scheme will be soiled and grass seeded promptly to establish grass growth to reduce the potential of soil loss through wind blow
 - dampening of materials for dust suppression as required to avoid re-circulating fine material
 - self-sheeting dump truck will be employed to ensure vehicles entering and leaving the site are covered to prevent escape of materials during transport
 - on site vehicle speeds will be limited to 10mph to reduce dust emissions during tracking through the site by dump trucks and the face shovel
 - wheel washing and water assisted road sweeping facilities to minimise the impact of trackout
 - off-site traffic movements will take place on the opposite side of the Scheme away from the South Crosland residential area to reduce dust generation in this location

- effective staff training in respect to the causes and prevention of dust including the
- provision of a method for visual dust monitoring across the Site

10.39 Officers consider that the supporting AQA provides an accurate assessment of the likely impacts on air quality resulting from this proposal and that subject to implementation of a dust management plan the proposed development would accord with UDP policy M3, KPDLP policies PLP36 and PLP52 and Section 11 of the NPPF with regard to the potential impacts on local air quality associated with this development.

10.40 Visual impact - At present a number of residential properties surrounding the site have, what can be described as, pleasant views across what are relatively gently sloping open fields. Consequently these properties have the potential to gain near distance views of operations involved in mineral extraction, particularly during the initial stages of the development.

10.41 In order to mitigate the associated impact the applicant has indicated that screen bunds would be constructed around those sections of the perimeter of the quarry void facing residential properties. The mounds would be constructed using a shallow slope profile on their outside face and grass seeded. The applicant has indicated that these mounds would prevent all views of the operational void from the nearest residential properties and where necessary, these bunds would be maintained for the duration of extractive operations.

10.42 Whilst there is little doubt that this proposal would change the outlook of residents overlooking the site, this would be for a temporary period and site restoration would return a similar outlook from these properties. Furthermore the separation distance involved combined with the proposed screen mounds would reduce the potential impact of development on their visual amenity during the operational phase. Bearing in mind the operations are temporary and site restoration would see the site restored to a standard fit for agriculture, it is considered that this temporary disruption to visual amenity is acceptable. Consequently this proposal accords with UDP policy M3(i), KPDLP policies PLP36 and policy guidance contained in Section 11 and 13 of the NPPF.

10.43 Environmental Issues

10.44 Landscape issues

10.45 The proposed development site carries no statutory (national) landscape designations, the nearest being the Peak District National Park which, at its closest, lies approximately 2.6 km to the south east of the site. However, the site is on the western periphery of the Yorkshire Southern Pennine Fringe.

10.46 In this area, within the close to medium range, the primary land use comprises agricultural activity involving small to medium field patterns which are predominantly delineated by dry stone walls. However, other non-agricultural related activities including Crosland Moor aerodrome, Crosland Heath Golf Club and operational quarries are located to the north of this site within the wider landscape.

- 10.47 The main settlement in the area, which is closest to the site, is South Crosland to the east of the proposed development. However, the surrounding landscape includes various isolated farmsteads and residential properties.
- 10.48 The applicant has provided a comprehensive Landscape Visual Impact Assessment (LVIA) in support of this application which provides an analysis of the likely impacts on the surrounding landscape and includes several photomontages using view points from the surrounding landscape to illustrate how this development would be perceived within the local landscape. The LVIA considers the impact the development would have at close to medium range, at long range and at distant range. The conclusions of the LVIA can be summarised as follows:

Visual effects - During the initial site preparation phase of the development the associated works will be highly visible which would represent an adverse effect. However, this would be temporary in nature. During subsequent extractive operations, where the development could be seen from the twenty viewpoint locations identified in the LVIA, the magnitude of the impact would range from negligible to small with the resultant significance of effect generally being Minor-moderate or Moderate (adverse) during specific phases. In terms of the screen bunds etc. then magnitude of impact would be Small to Large and the resultant significance of effect either Moderate (neutral overall) or Moderate to Major for example in Phase 1 (adverse in Stage 1 to 3 and neutral in Stage 4).

The applicant has indicated that the site would be worked in three phases and progressively restored. This would reduce the disturbed footprint and minimise the visual impact the development would have on the landscape. The applicant has also agreed to link the restoration of the airfield extension area before commencing mineral extraction within the application site. The applicant has agreed to restoring approximately 1.9 ha of the airfield site before commencing mineral extraction at the application site and not to progress to phase 2 until the airfield extension site has been fully restored. This would help to minimise the quarry's disturbed footprint and its visual impact on the local landscape.

Landscape character - The proposed screen bunds would change the existing topography and create a new landform. However this would be mitigated by grass seeding them and allowing them to be grazed. It has been assessed that the effect on landscape character in the immediate vicinity of the site would be major but at greater distance the nature of the effect would be neutral. In terms of the Green Belt and the South Crosland conservation area no significant detrimental effects have been identified.

10.49 Cumulative effects

- 10.50 Although it is proposed to link the commencement of mineral extraction at the application site to the completion of site restoration at the Airfield extension area, this site would become operational and continue for a period until 2025 during which time the existing mineral extraction areas will remain active. Consequently there will be associated cumulative effects.
- 10.51 At present, other than crossing a small section of Thewlis Lane, the transport of mineral from the applicant's operational extraction areas does not involve HGVs using the surrounding highway network. Consequently this proposal

constitutes a net increase to vehicle movements on the local network. However, the applicant's supporting Transport Assessment indicates that overall this would only see an increase of between 1.69% and 7.21% in the total number of vehicle movements on this part of the network. Whilst it is accepted that although there would be a relatively small increase in total vehicle movements, HGV movements on this section of the network, particularly along Arborary Lane and Nopper Road, would increase significantly from the current levels. Having said this, based on the maximum HGV trips proposed by the applicant, this would involve 4 to 5 HGV movements per hour. This situation would only arise if and when the application site is the only operational mineral extraction area. It is therefore considered that cumulative effect on the highway network would be limited and of local significance only.

10.52 The extraction of mineral at this site would introduce a further noise source to the area. There would therefore be a resultant cumulative effect in the immediate vicinity of the site. However, the applicant has demonstrated that the activities associated with this proposal would not increase noise levels significantly at noise sensitive receptors around the site and it is considered that any associated cumulative impact will be relatively low.

10.53 The applicant proposes to work the extension area in conjunction with the existing mineral extraction areas to the north and north east. There is therefore the potential for a cumulative impact on air quality as a result of increased levels of dust. However, the applicant's supporting air quality assessment indicates that this proposal would not lead to significant air quality effects and Officers therefore consider that there would be no significant cumulative impact as a result

10.54 The current quarry complex includes a significant area of disturbed land. As a consequence the creation of a further quarry void will result in a cumulative impact which would affect the character of the surrounding landscape. However, it is considered that this cumulative impact would be partly mitigated due to the progressive restoration of the Airfield Extension Area and of the application site.

10.55 Ecology

10.56 The applicant provided an ecological assessment which formed part of the supporting EIA. This considered the potential effects of the scheme on designated sites, habitats and protected and notable species both within and adjacent to the site. The report identified a number of potential effects on the area's ecology which can be summarised as follows:

- Loss of improved grassland and arable land
- Loss of/Disturbance to badger foraging habitat
- Loss of/Disturbance to brown hare
- Loss of/Disturbance to breeding birds
- Loss of/Disturbance to wintering birds

10.57 However, the ecological assessment indicated that, without mitigation, the impact on the above habitats and species would be of limited significance as can be seen in the following table:

Receptor & Value	Potential Effects	Extent, Duration, Magnitude	Significance without Mitigation
Improved grassland/arable (Negligible Value)	Loss of habitat	Direct, temporary, short term (Minor Adverse)	Neutral
Badger foraging habitat (Low Value)	Loss of foraging habitat, disturbance	Direct, temporary, short term (Minor Adverse)	Minor (Adverse)
Brown hare (Low Value)	Loss of habitat, displacement of adult brown hare, accidental killing/injury of young hares	Direct, temporary, short term (Minor Adverse)	Minor (Adverse)
Breeding birds (Low Value)	Loss of habitat, disturbance to/displacement of ground nesting birds, accidental killing/injury of chicks	Direct, temporary, short term (Minor Adverse)	Minor (Adverse)
Wintering birds (Low Value)	Loss of foraging habitat, disturbance	Direct, temporary, short term (Minor Adverse)	Minor (Adverse)

10.58 Although the impacts described above are relatively minor, mitigation measures implemented on site would reduce the effects of these impacts further. The mitigation identified by the applicant can be summarised as:

- Phased working of the site to minimise the areas likely to be affected
- The use of screen bunds to help reduce visual and noise disturbance
- The implementation of dust management measures
- The minimisation of noise generated at the site
- The provision of temporary habitat opportunities
- Robust procedures for the protection of species such as brown hare and birds during soil stripping operations

10.59 Following the restoration of the site, the assessment indicates that there would be no reduction in the area's biodiversity and there would in fact be a minor beneficial enhancement resulting from the creation of new habitat opportunities and the restoration of habitat for badger, brown hare and breeding/wintering birds.

10.60 Whilst not adjacent to, the application site is in close proximity to the Peak District Moors (South Pennine Moors Phase 1) Special Protection Area (SPA) European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites

are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations').

- 10.61 Following discussions with officers, the applicant provided a supplementary bird survey which specifically looked at whether Golden Plover (a species protected by the SPA designation) were using the site. This involved 4 separate site visits. However, no flocks or individual birds were observed on the site or the adjacent fields during these survey visits. Based upon the information provided, Officers carried out a Stage 1 Habitats Regulations Assessment, incorporating advice from Natural England, which concluded that the proposals are not likely to have a significant effect on the SPA. As no likely significant effect has been identified Appropriate Assessment (Stage 2 HRA) is not required for the proposal.
- 10.62 It is therefore considered that this proposal accords with UDP policy UDP policy M3, KPDLP policies PLP 30, PLP36 and policy guidance contained in Section 11 and 13 of the NPPF.

10.63 Heritage Issues

- 10.64 There are a number of designated heritage assets located within 1km of the application site including 32 Grade II listed buildings, 1 scheduled ancient monument and the South Crosland Conservation Area which contains 16 of those listed buildings. The site also has the potential to accommodate unknown archaeological remains which could be disturbed by this proposal. It is therefore important to ensure that this development would not have any significant detrimental effect on these heritage assets.
- 10.65 The applicant has provided an Archaeology and Heritage Assessment which has considered the potential effects of the scheme on the archaeology and heritage considerations within and in the vicinity of the site. Following negotiations with Officers the applicant also provided supplementary information which specifically assessed the impact of the development on the setting of Castle Hill. The conclusions of these documents can be summarised as follows:
- 10.66 Views towards the Site from the conservation area are generally likely to be screened by development and difficult to obtain. From the areas of the conservation area where the Site is currently visible, landscape bunding would reduce both the visibility and sense of the proposed development. From outside the conservation area looking in, combination views of the conservation area and the Scheme would be difficult to obtain.
- 10.67 The Scheme will result in a number of changes to landscape elements to the west of the conservation area, some of which lie within the setting of the conservation area. With the proposed landscape bunding, the impact of the proposed development on the setting of the conservation area is assessed as being low. The effect of the Scheme on the conservation area is assessed as moderate.
- 10.68 As there is evidence for prehistoric activity in the wider area, it is possible that there are similar remains within or adjacent to the site. There is, however, no evidence for remains of sufficient interest to require preservation *in situ*. The effect of the Scheme on known archaeology within the Site is assessed as being at most minor. However, the West Yorkshire Archaeology Advisory

Service has recommended that, given the known heritage assets in the vicinity of the site, intrusive survey work should be carried out prior to planning permission being granted.

- 10.69 The setting of Castle Hill makes a significant contribution to the significance of the associated heritage assets. Whilst the setting of the Castle Hill site is wide ranging in all directions, the application site, which is located 4km away, means that in combination views of the heritage assets at Castle Hill are difficult to obtain. Consequently it is considered that this development would have a negligible effect on Castle Hill.
- 10.70 Officers have reviewed these documents and consider that their assessment of the likely impacts to local heritage assets reasonable based upon the available evidence. Consequently, Officers consider that subject to intrusive survey archaeological survey work being carried out prior to development commencing, this proposal would accord with UDP policy M3, KPDLP policies PLP 35, PLP36 and policy guidance contained in Section 11 and 13 of the NPPF.

Highways Issues

- 10.71 The applicant proposes to create a new purpose built access from the site onto Arborary Lane. Mineral would then be transported to the applicant's Crosland Moor works, which is approximately, 2.5 km to the north east, via Arborary Lane, Nopper Road and Blackmoorfoot Road.
- 10.72 Arborary Lane and Nopper Road are unclassified highways approximately 5.3m in width a speed limit of 60mph. Blackmoorfoot Road is an unclassified highway approximately 6.2m wide. It has a speed limit of 60mph between the village of Blackmoorfoot to just east of its junction with Nopper Road. Between this point and Sands House Lane the speed limit reduces to 40mph and between Sands House Lane and Thewlis Lane the speed limit is 30mph.
- 10.73 In support of the planning application, the applicant carried out a Transport Assessment which established a baseline of vehicle movements and associated speeds which, on average, are associated with the above described highway network. These are summarised in the following table:

ATC Site Location	Direction of Vehicle Flow	Speed Limit (mph)	Average Daily vehicle numbers (all)	Average Daily HGV numbers	Average Speed (mph)	85 th Percentile Speed (mph)
Arborary Lane ATC1	Northbound	60	813	2	37.18	40.63
	Southbound		648	1	35.62	38.20
Arborary Lane ATC2	Northbound	60	763	3	35.99	40.12
	Southbound		738	2	38.94	43.74
Nopper Road ATC 3	Northbound	60	733	2	39.92	44.77
	Southbound		721	2	39.79	45.17
Blackmoorfoot Road ATC 4	Westbound	60	1309	8	46.09	52.35
	Eastbound		1326	8	46.77	52.99
Blackmoorfo	Westbound	60	2003	11	41.51	47.01

ot Road ATC 5	Eastbound		2035	9	41.96	48.20
Blackmoorfo ot Road ATC 6	Westbound	30	3077	13	37.56	42.83
	Eastbound		3084	12	37.46	42.01
Blackmoorfo ot Road ATC 7	Westbound	30	3326	30	31.39	36.67
	Eastbound		3377	30	27.77	35.37

- 10.74 The applicant's transport assessment indicated when compared to the overall number of vehicles using the above described highway network the increase associated with this proposal would be relatively small. However, the increase in HGV numbers would be significant.
- 10.75 The transport assessment analysed collision statistics over the last three years in the vicinity of the site. This found that there had been 6 recorded personal injury collisions. One on Sandy Lane and five at the crossroads of Nopper Road and Intake Lane. Five of these collisions resulted in minor injuries and one resulted in a cyclist sustaining serious injuries.
- 10.76 Although Arborary Lane and Nopper Road are two lane highways, they are relatively narrow in places and their regular use by quarry traffic could therefore result in vehicles moving in opposite directions finding it difficult to pass. The applicant has therefore agreed to provide passing places at strategic points along these highways to alleviate this potential problem. It is proposed to secure the provision of these passing places via a Section 106 agreement. The physical works involved would be subject to the applicant entering into a Section 278 agreement with the Council's Highways service.
- 10.77 The applicant has indicated that this site would be operated in conjunction with their other operational mineral extraction sites at the airfield extension to the north and the Thewlis Lane extension area to the north east. However, other than crossing over Thewlis Lane, quarry traffic transporting mineral to the stone processing works from the existing sites does not use the surrounding highway network. It is considered that, subject to the provision of adequate passing places along Arborary Lane and Nopper Road, the local highway network is capable of accommodating 50 HGV movements per day (25 in and 25 out) without having a significant impact on the network. This would equate to an average of 4 to 5 vehicle movements per hour during a normal working day.
- 10.78 Byway HUD/229/40 (Turbid Lane) runs immediately adjacent to the eastern boundary of the site. However, this proposal would not require the obstruction or diversion of this route. As part of the final restoration of the site the applicant proposes to provide a new link between this footpath and MEL/8/10 where the path emerges onto Arborary Lane which would provide useful connectivity to the wider PROW network.
- 10.79 It is therefore considered that this proposal accords with UDP policy UDP policies M3, T10,R13 and KPDL policy PLP 21 with regard to this development's potential impact on the surrounding highway network.

10.80 Hydrology/Drainage/Flood Risk Issues

- 10.81 The rough rock sandstone underlying the site classifies as a Secondary A Aquifer comprising permeable layers capable of supporting water supplies. Due to the lack of major/industrial development in the vicinity of the application site it is likely that the quality of ground water in this vicinity will be good.
- 10.82 Previous mineral extraction in the area suggests that due to the high permeability of the rough rock, the void created by mineral extraction would have a high capacity to drain infiltrating rain water.
- 10.83 Whilst it is acknowledged that this proposal has the potential to lead to the contamination of local ground water regimes, Officers consider that mitigation measures can be successfully implemented to deal with contamination sources and therefore minimise the impact on controlled waters during the construction works and subsequent site restoration and as a consequence this proposal would not have a significant detrimental impact on local hydrology.
- 10.84 The site is located within Flood Zone 1 and is therefore considered to be at a low risk of flooding. There are areas of land more than a kilometre from the site which fall within Flood Zone 2 and 3. However, these are at significantly lower levels and it is therefore considered that these areas would not have any impact on this site.
- 10.85 The applicant's supporting Water and Drainage Assessment identifies a number of water courses and water bodies in the vicinity the site which could have the potential to be affected by the development with regard to flood risk. It also considers the impact over overland flows around the application site. These sites and their sensitivity to flood risk are summarised in the table below:

Feature	Sensitivity
Flood plain attributes: The site is located within Flood zone 1	Low
Flood risk from water courses: River Colne Mag Brook Dean Clough Unnamed water course (north east) Ditch (south	Low Low Low Low Low
Water bodies: Blackmoorfoot Reservoir	Low
Overland flow: Flows from the surrounding area	Low

- 10.86 The applicant has also considered the impact that this development could have on local surface water drainage regimes and how any impacts can be controlled or mitigated against.

- 10.87 The applicant has indicated that surface runoff from the Site will be controlled. Runoff from operational areas will collect within the excavated void and will infiltrate to the underlying sandstone. Surface water drained from reclaimed and restored areas or screening bunds will discharge from the perimeter land drainage system and utilise the existing outfall. As a result, the discharge of site runoff is not predicted to exceed the existing Site discharge rate. Furthermore, as existing outfalls will be used, surface water discharges to the east will be maintained at existing levels and will not therefore reduce flows to Dean Clough.
- 10.88 Due to local topography any flooding of the land drainage systems in the vicinity of the site is not predicted to flow towards residential properties at South Crosland but would be directed to the steep sided valleys to the north and south of the site.
- 10.89 The applicant proposes to create a small shallow depression at the south eastern corner of the site which will act as a balancing lagoon receiving surface water from the south of the site.
- 10.90 The proposed land drainage systems, both during the construction phase and site restoration will replicate the existing system as far as possible and utilise the existing outfalls from the site. It will also provide filtration of runoff, thereby maintaining the existing treatment mechanism of runoff provided by the existing system. Therefore, the applicant considers that there will not be any residual effect on the quality of runoff discharged from the site.
- 10.91 Flows to existing land drainage outfall would be maintained during the operation of the site and following site restoration. Consequently outfall discharges to the water troughs at the junction of Scholl Hill, Midway Sandy Lane would continue at the same level.
- 10.92 Officers consider that, subject to the inclusion of planning conditions suggested by the Council's Flood Management Team, this proposal would accord with UDP policy M3, KPDLP policies PLP 27, PLP 28 and PLP36 and policy guidance contained in Section 11 and 13 of the NPPF with regard to drainage and potential flood risk.

10.93 Socio-economic Issues

- 10.94 The Council published its economic strategy in 2014 which provides an overview of the local economy, the vision for the area and the strategic priorities. The Council identified the following as economic priorities:
- Priority one: precision engineering and innovative manufacturing;
 - Priority two: innovation and enterprising businesses;
 - Priority three: workforce, skills and employment;
 - Priority four: infrastructure; and
 - Priority five: quality places.
- 10.95 This echoes the economic strategic priorities and initiatives set by the Leeds City Region's Local Enterprise Partnership (LEP), of which Kirklees is a member, to support the implementation of its Strategic Economic Plan. These are set out in the table below:

Strategic Priority	Initiative
Priority 1 – Growing Business	<p>1 – Implement coordinated and wide ranging action to radically increase innovation</p> <p>2 – Become a global digital centre – with specialisms in data storage, analytics, digital health and tech skills</p> <p>3 – Boost business growth, productivity, exports and investment by linking businesses to support and funding, including through the LEP growth service, skills service and trade and investment programme</p>
Priority 2 – Skilled people, better jobs	<p>4 – Deliver a ‘more jobs, better jobs’ programme to widen employment, skills, apprenticeships and progression opportunities, linked to NEET-free goals</p> <p>5 – Devise and deliver a programme of action to increase high level skills and close the gap to the UK average</p>
Priority 3 – Clean energy and environmental resilience	<p>6 – Targeted investments and innovation to make the City Region a leading edge centre for zero carbon energy</p> <p>7 – Make climate change adaptation and high quality green infrastructure integral to improving the City Region economy and its spatial priority areas</p>
Priority 4 – Infrastructure for growth	<p>8 – Deliver 30+ West Yorkshire Transport Fund schemes and progress towards a single ‘metro style’ public transport network, connected to major national / northern schemes such as HS2 and Northern Powerhouse rail</p> <p>9 – Develop and regenerate integrated Spatial Priority Areas, supporting employment, quality environments and the building of 10,000-13,000 new homes per year</p> <p>10 – Develop an integrated flood risk reduction programme, incorporating flood defences, green infrastructure and resilient development</p>

10.96 Since 2007 the unemployment rate has been higher in Kirklees than Great Britain although it has been generally lower than Yorkshire and the Humber region as a whole. The rate of unemployment in Kirklees is still higher than before the financial crisis when it was, in fact lower, than Great Britain.

10.97 In support of their application, Johnson Wellfield Ltd (JWL) has indicated that it is an important business for the local economy. It is within one of the more productive industries nationally, and in comparison to the local economy has higher levels of productivity. In recent years JWL has made considerable investments in capital equipment and its workforce’s skills and training. It plays an important role in the supply chain across Kirklees and Yorkshire.

JWL plans to grow its revenue base to £10 million by 2024, and the Scheme is a key component of this growth strategy. Ensuring it has an extractable supply of hard Yorkstone is fundamental to JWL's ability to provide a range of high quality products which are in demand across the UK. Retaining and supporting the future growth of JWL also aligns with local economic policy.

10.98 The applicant indicates that that this proposal would lead to both additional direct and indirect employment opportunities. During the construction phase of the development (preparation works) it is estimated that 12 temporary jobs would be generated directly with a further 10 'Spin Off' jobs. Of these jobs the applicant estimates 17 would be taken up by Kirklees residents.

10.99 During the operational stage of the development, the applicant estimates the proposal would generate an additional 8 permanent full time jobs and that this proposal would safeguard the existing 100 staff currently employed at their quarry operation.

10.100 As part of this proposal the applicant has highlighted a number effects and measures which would result in community benefit as a result of this development. These can be summarised as:

- Socio economic benefits to the locality resulting from the continued operation of one of the district's major employers.
- The applicant would be willing to establish a local liaison group which would meet regularly to discuss issues and resolve problems arising from the operation of the site.
- Make available its resource to undertake the maintenance of existing community facilities as agreed through the liaison group
- The creation of a footpath link between the existing public right of way on Turbid Lane and other public rights of way off Arbitrary Lane, which would be dedicated to the Council following the completion of the site restoration.

10.101 The applicant has also indicated that, as it considers to be part of the local community it would continue contributing to local charitable causes.

10.102 Planning Obligations

10.103 A number of matters relating to this proposal require agreement via a Section 106 Agreement. Heads of terms have been discussed and agreed with the applicant and are summarised as follows:

The provision of regular passing places along Arborary Lane and Nopper Road.

Following consultation with the Councils Highways DM team the position of passing places at strategic points along the above highways have been identified in order to ensure the increase in HGV movements along this route does not hinder the free flow of traffic. The implementation of these passing places would be required prior to mineral extraction commencing.

Linking the restoration of the airfield extension area to the commencement of mineral extraction at the planning application site

This would require that specific restoration works are completed at the Airfield Extension site before mineral is extracted at this site. Other than works to create the access onto Arborary lane, entry into the Phase 1 area would be subject to approximately 1.9 ha of the remaining Airfield workings being fully restored. Entry into the Phase 2 area would be subject to the whole of the Airfield site, a further 5.4 ha being fully restored.

The dedication of the proposed footpath link from Turbid lane Arborary lane

The applicant will provide a link between existing footpaths/byways (HUD/229/40 and MEL/8/10) and has agreed to dedicate this footpath link to the Council once mineral extraction works have ceased. The specification of the works involved will be provided and agreed as part of the S106.

The establishment of a liaison group

The applicant has agreed to organise the regular meeting of a liaison group. This would involve representatives from the local community and the Council. This would provide a forum where Issues and concerns arising from the operation of the site could be discussed and measures to resolve problems agreed.

The agreement of and subsequent implementation of a formal road cleaning scheme

Whilst it is proposed to require that wheel cleaning facilities are provided on site, it is likely that, on occasion, the highway will require cleaning particularly during very wet conditions. It is therefore proposed to seek a formal road cleaning strategy from the applicant which would detail the measures to be implemented to ensure that the highway network used to transport mineral from this site is cleaned when necessary.

The control of vehicle routing

It is proposed to require that all vehicles visiting or leaving the site follow the agreed route which only involves the use of Arborary Lane, Nopper Road and Blackmoorfoot Road.

10.104 Representations

The proposal would detrimentally affect the South Crosland Conservation Area.

Response: This matter has been considered in the sections of the committee report titled “Environmental Issues” and “Heritage Issues”

The operation of a quarry on this land will detrimentally affect the visual amenity of the area

Response: This matter has been considered in the sections of the committee report titled “Local Amenity Issues” and “Environmental Issues”

The development would have negative impact on the value of residential properties in the area.

Response: The affect this proposal would have on the value of local property values is not a material planning consideration and cannot therefore influence the assessment of this application.

The amenity of the area would be adversely affected by noise and dust resulting from activities at the site.

Response: This matter has been considered in the section of the committee report titled “ Local Amenity issues”

Highway safety in the vicinity of the site would be detrimentally affected

Response: This matter has been considered in the section of the committee report titled “ Highways issues”

Local wildlife would be adversely affected by this proposal,

Response: This matter has been considered in the section of the committee report titled “ Environmental Issues”

Quarrying this land would reduce the volume of water naturally draining from the site which would detrimentally impact on local water courses.

Response: This matter has been considered in the section of the committee report titled “ Hydrology/Drainage/Flood Risk issues”

This proposal would block an existing public right of way (Turbid Lane)

Response: Whilst this application is immediately adjacent to Turbid Lane (Byway HUD/229/40) it does not include the lane itself. There are no proposals included in this application to restrict access to Turbid Lane during the development of the site and should this be required a formal application would be required under the Highways Act to facilitate this.

This proposal would result in the loss of good quality productive farm land.

Response: The Agricultural Land Classification system categorises the best and most versatile land as either Grade 1, 2 or 3a. All the land included in the planning application is Grade 4 and is not therefore considered to be good quality productive land.

The landscape character of the area will be negatively affected by this proposal.

Response: This matter has been considered in the section of the committee report titled “ Environmental Issues”

This proposal will bring no economic benefit to the area affected by the development.

Response: This matter has been considered in the section of the committee report titled “ Socio –economic Issues”

The ecology of Dean Wood would be detrimentally affected due to changes in local water regimes resulting from this development.

Response: This matter has been considered in the section of the committee report titled “Environmental Issues” and “Hydrology/Drainage/Flood Risk issues”

The proposal could contaminate local water bore holes which supply some residential properties in the area.

Response: This matter has been considered in the section of the committee report titled “Hydrology/Drainage/Flood Risk issues”

The site fall within the Green Belt and this proposal is therefore inappropriate in this location.

Response: This matter has been considered in the section of the committee report titled “Principle of Development”

The construction of screen mounds would create an alien feature in the landscape.

Response: This matter has been considered in the section of the committee report titled “Environmental Issues”

The cumulative impact of this development has not been fully assessed in the application submission.

Response: Within the EIA submitted in support of this application, the applicant has provided an assessment of the likely cumulative impacts associated with this proposal. These have been summarised in the section of the committee report titled “Environmental Issues”

The applicant has not provided sufficient evidence to justify the need for the mineral resulting from this development.

Response: In their submission, the applicant has justified their need for minerals in terms of:

- Current Local and National Policy Context
- Resource, Operational and Economic Need
- Local Design and Development Need
- Locational Need

In particular the applicant emphasises that their business model is based on providing hard Yorkstone of varying characteristics (colour, texture and appearance) to supply the needs of their customers. Johnson Wellfield has indicated that in order to achieve this it needs to operate at least two working site (ideally 3). The applicant has indicated that the current Airfield extension area is likely to be exhausted of good quality block stone in 2018, which would only leave the Thewlis Lane Workings to provide all the production needs of the applicant. The applicant therefore needs to secure permitted reserves which can be brought on stream to fill the gap left once the Airfield extension area ceases block stone production.

11.0 CONCLUSION

11.1 This proposal would allow the continued production of a valuable mineral resource which is of national and local importance and for which permitted reserves at the applicant’s existing quarry are relatively low. The applicant has indicated that this proposal would provide an additional 1,000,000 tonnes of mineral which would supply the on site saw sheds for approximately 20 years. Consequently this proposal would help to safeguard in the region of 100 existing jobs and create additional employment opportunities.

11.2 Whilst it is acknowledged that this proposal would have a temporary impact on the amenity of the area, it is considered that with appropriate mitigation the adverse effects associated with this development could be satisfactorily alleviated to an acceptable level. The proposed restoration would tie in well

with those already approved for the existing quarry and the surrounding landscape and has the potential to provide a more diverse range of habitats than currently exist at the site. Although the proposal would result in the generation of additional daily HGV movements on the local highway network, it is considered that, subject to the improvements outlined above, this development would not create a significant risk to highway safety. Furthermore, Officers consider that this proposal would not have significant detrimental effects on the local environment.

- 11.3 It is therefore considered that as this proposal represents temporary development which is reversible and the potential long term benefits associated with the restoration of this site would outweigh the limited detrimental effects that would be experienced during the course of mineral extraction.
- 11.4 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.
- 115 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)

Time Limits

- Standard condition requiring implementation of permission within 5 years of date of approval
- Condition requiring development to be completed by 31 December 2037

Plans

- Copy of planning permission and all approved documents to be available at all times at the site
- Development to be carried out in complete accordance with approved plans
- Condition to deal with the prior cessation of the development

Access

- All vehicular access to be taken from Arborary Lane
- Requirement to provide wheel washing facilities on site
- Limit on HGV movements at the site to 25 in and 25 out

- Scheme detailing the vehicle passing places on Arborary Lane and Nopper Road
- Provision of access and sight lines prior to development being brought into use
- Provision and agreement of a vehicle management plan
- Provision of a highway inspection regime

Land Stability

- Condition requiring the submission of a geotechnical stability assessment

Working Programme

- Condition and requiring construction specification for screen mounds
- Condition requiring the construction of screen mounds prior to commencement of mineral extraction
- Condition requiring site to be worked in accordance with approved phasing plans
- Condition requiring that the extraction void is not worked below approved topographical levels
- Requirement to provide an annual report regarding mineral extraction and backfilling operations
- Requirement to maintain monthly records of mineral extracted
- No discharge of foul or contaminated water into existing water regimes
- Drainage to pass through appropriate settlement ponds or similar system
- Screen hedge around overburden storage area to be planted within first planting season following approval of planning permission
- Overburden stored above ground not to exceed 2m in height from surrounding ground level

Soil stripping and storage

- No soil stripping until a scheme has been agreed to protect Brown Hare and ground nesting birds
- Topsoil and subsoil to be stripped separately prior to mineral extraction
- Soils to be stripped in dry weather conditions
- Condition requiring details of the quantities of soils stripped

- Soil storage mounds to be grass seeded

Restoration

- Submission of a detailed site restoration scheme
- Submission of an ecological enhancement scheme

Soil replacement

- Final backfill levels to be 500mm below final site level in order to accommodate soils
- Spreading of soils to be carried out in dry conditions
- Areas to receive soils to be ripped to relieve compaction and all objects larger than 75mm to be removed
- Top soils to be spread on restored areas to appropriate depths.
- A grass sward to be developed on restored areas to be used for grazing and grass/wildflower sward to be developed on areas restored to nature conservation.
- Requirement to carry out remedial works should the grass swards fail
Within 2 months of any restoration being completed a plan to be submitted to the MPA indicating extent and nature of restoration

Aftercare

- Condition requiring the submission of an outline aftercare scheme
- Condition requiring the implementation of the outline aftercare scheme
- Requirement to provide an annual aftercare programme
- Requirement to organise an annual aftercare site meeting to review progress

Protection of Amenity

- Hours of operation restriction 07:30 to 18:00 Mon. to Fri. 07:30 to 13:00 Sat
- Noise level restrictions as measured from noise monitoring locations
- Noisy Operations allowed for 8 weeks per year only to be carried out between 09:00 to 17:30 Mon to Fri 09:00 to 12:30 Sat
- No crushing or screening to take place at the site
- All plant and machinery to be operated and maintained in accordance with manufacturers specifications

- Proposed vehicle reversing systems to be submitted and approved by the MPA
- No blasting to be carried out
- Submission of a noise monitoring scheme
- Submission of a noise suppression scheme
- Prior to any excavation commencing, a clean supply of water shall be installed at the site
- Submission of a dust suppression scheme
- Submission of a dust monitoring scheme
- The site shall not be used for the storage of plant or equipment not directly associated with the operation of the quarry
- Removal of permitted development rights to erect buildings, plant or machinery etc.

Cultural Heritage

- Condition requiring archaeological assessment to be carried out prior to the development commencing
- The MPA to be notified of and archaeological finds during operation of the site

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f91213>

Site owned by applicant. However notice served on Kirklees Council 5 April 2017 as proposal would involve work to the highway

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Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 02-Nov-2017

Subject: Planning Application 2017/90143 Outline application for residential development Land adj, Lockwood Scar, Lockwood, Huddersfield, HD4 6BL

APPLICANT

S Mitchell

DATE VALID

21-Jul-2017

TARGET DATE

20-Oct-2017

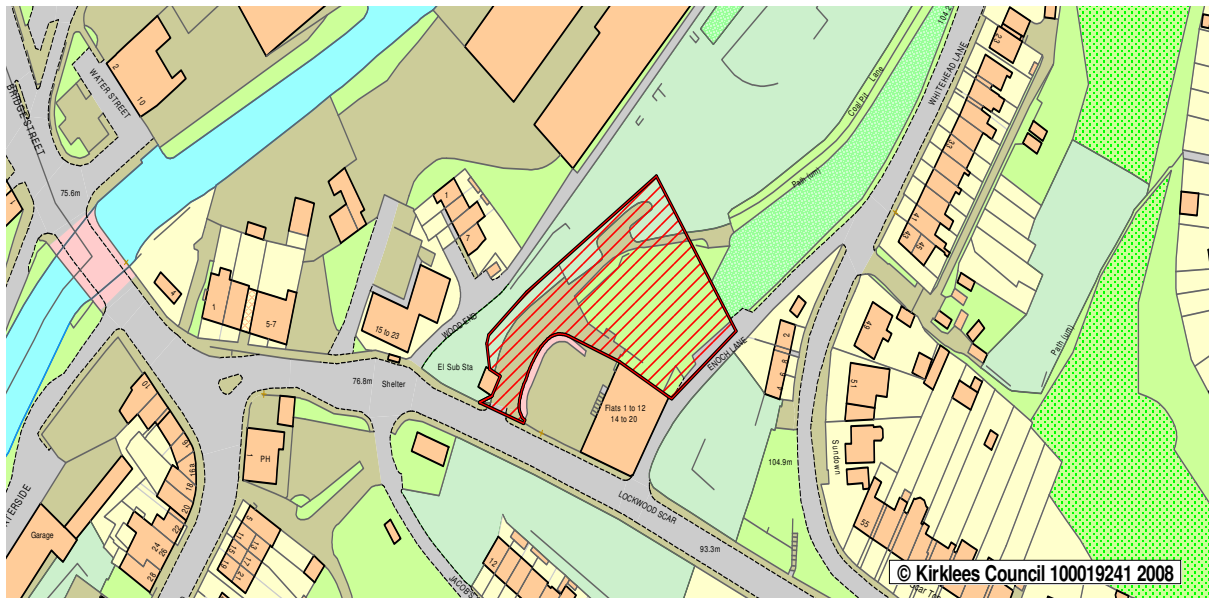
EXTENSION EXPIRY DATE

01-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: Newsome

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 This is an outline planning application, with all matters reserved, for residential development.
- 1.2 This application is brought to Strategic Committee because the application site is part of a substantial area allocated as Urban Greenspace. Therefore the proposal represents a departure from the Kirklees Unitary Development Plan.

2.0 SITE AND SURROUNDINGS

- 2.1 Accessed from Lockwood Scar road, the application site has an area of 0.24ha. The site is brownfield land, previously used for storage and ancillary works associated with the neighbouring mill. Since the mill's conversion to residential, circa 2008, the land has been left vacant.
- 2.2 The site's topography is varied, including relatively level sections alongside steep banks. The east of the site slopes steeply upwards until reaching Enoch Lane. Enoch Lane has a terrace of three dwellings backing onto it. Trees, under the ownership of Kirklees Council, surround the site. Given the time the site has been unused it has devolved to a semi-vegetated state.
- 2.3 To the site connects to Spa Wood, to the north-east. To the north-west, on a lower ground level, are commercial units. Lockwood Scar road, to the south of the site, connects the site to Newsome and Lockwood local centres.

3.0 PROPOSAL

- 3.1 The application is submitted in outline seeking the principle of development residential development. All other matters; access, scale, layout, appearance and landscaping, are reserved.
- 3.2 Indicative plans have been provided, for informative purposes only. They show ten dwellings, arranged in two opposing rows. While the applicant

initially sought ten units, officers expressed concerns over the layout. It was agreed to remove the number of units from the description.

- 3.3 Whilst access is a reserved matter, the point of access is shown to be from the existing junction onto Lockwood Scar road.

4.0 RELEVANT PLANNING HISTORY

4.1 Application site

2004/92107: Erection of 28 no. Apartments in one block and conversion of mill to 19 no. apartments – Conditional Full Permission (part implemented)

2006/90463: External alterations for new windows and operations to existing mill conversion – Conditional Full Permission (Implemented)

2008/92821: Outline application for erection of residential nursing home and close care apartments – Conditional Outline Permission (Un-implemented, expired)

4.2 Surrounding area

The surrounding area has no relevant planning history.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 Initially the applicant sought ten units with some matters under consideration. However officers expressed concerns with the details of the development. The applicant decided to amend the application to outline, with all matters reserved, simply seeking a determination on the principle of residential.

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 Examination in Public began in October 2017. 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. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees..

- 6.2 On the UDP Proposals Map the site is part Unallocated, part allocated as Urban Green Space.

6.3 The site is allocated as Urban Green Space on the PDLP Proposals Map.

6.4 Kirklees Unitary Development Plan (UDP) Saved Policies 2007

- **G6** – Land contamination
- **D2** – Unallocated land
- **D3** – Urban Greenspace
- **NE9** – Mature trees
- **BE1** – Quality of design
- **BE2** – Design principles
- **BE11** – Building materials
- **EP4** – Noise sensitive locations
- **T10** – New development and access to highways
- **T19** – Parking standards
- **H1** – Housing strategy
- **H10** – Affordable housing
- **H18** – Provision of open space for new housing

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

- **PLP1** – Presumption in favour of sustainable development
- **PLP2** – Place shaping
- **PLP3** – Location of new development
- **PLP11** – Housing mix and affordable housing
- **PLP21** – Highway safety and access
- **PLP22** – Parking
- **PLP24** – Design
- **PLP30** – Biodiversity and geodiversity
- **PLP33** – Trees
- **PLP52** – Protection and improvement of environmental quality
- **PLP53** – Contaminated and unstable land
- **PLP61** – Urban green space

6.6 National Planning Guidance

- **Paragraph 17** – Core Planning Principles
- **Chapter 6** – Delivering a wide choice of high quality homes
- **Chapter 7** – Requiring a 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

6.7 Other

- Kirklees Interim Affordable Housing Policy
- DCLG: Technical Housing Standards

7.0 PUBLIC/LOCAL RESPONSE

7.1 The application has been advertised via site notice and through neighbour letters to addresses bordering the site. This is in line with the Councils

adopted Statement of Community Involvement. The end date for publicity was the 15th of September, 2017.

7.2 Two representations have been received in objection to the proposal. The following is a summary of the concerns raised;

- Development of the land may result in landslide from Enoch Lane. This would undermine the stability of properties which back onto Enoch Lane.
- Concerns of overlooking upon neighbours from new dwellings.
- Concerns over the scale and massing of new dwellings to front onto Enoch Lane.
- Loss of habitat for wildlife.
- Concerns that the redline encroaches onto council land.

Note: as detailed within section 5, history of negotiations, the application initially included layout, scale and appearance as considerations. The above representations were received in response to these.

Following the amendment of the scheme to all matters reserved the plans were labelled as indicative and re-advertised. No further representations were received.

8.0 CONSULTATION RESPONSES

8.1 Statutory

Yorkshire Water: No objection subject to condition.

8.2 Non-statutory

Crime Prevention: No objection to principle of development, however have requested conditions and further details at reserved matters stage.

K.C. Ecology Unit: No objection subject to condition.

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

K.C. Highways:

K.C. Lead Local Flood Authority: No objection subject to condition.

K.C. PROW: No objection, subject to path through the site being retained.

K.C. Trees: No objection to the principle of development.

9.0 MAIN ISSUES

- Principle of development
- Urban Design issues
- Residential Amenity
- Highway issues
- Other Matters
- Representations

10.0 APPRAISAL

Principle of development

Sustainable Development

- 10.1 NPPF Paragraph 14 and PLP1 outline a presumption in favour of sustainable development. Paragraph 7 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation (Para.8).
- 10.2 The dimensions of sustainable development will be considered throughout the proposal. Paragraph 14 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

Land allocation

- 10.3 The starting point for consideration is the Kirklees Development Plan which is the Kirklees UDP. On the Kirklees Unitary Development Plan the site is partly unallocated; however the majority of the site is allocated as Urban Greenspace (UGS). The site is on the southern edge of the larger UGS allocation of Spa Wood. Spa Wood is categorised as natural and semi-natural greenspace in the Kirklees Open Space Study 2015 (revised) (KOSS), given that the majority of the UGS is woodland. The importance of the woodland/treed area is a key consideration of the UGS.
- 10.4 Policy D3(i) stipulates 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 D3(ii), it includes an alternative provision of Urban Greenspace equivalent in both quantitative and qualitative terms to that which would be developed.
- 10.5 The community benefit element of D3(i) is not considered to be consistent with 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”*
- 10.6 Consideration must also be given to the Kirklees Publication Draft Local Plan (PDLP). The UGS has been extended within the PLDP, removing the unallocated land from the application. Therefore, within the PDLP, the entire site is allocated as UGS and Policy PLP61 is of relevance. PLP61 establishes a principle against the development of UGS land. 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.

Planning balance

- 10.7 The proposals are for residential development where no alternative provision of greenspace is included within the scheme. Furthermore, the proposal would not be a continuation, enhancement of an established use, nor an alternative open land use.
- 10.8 However, the site does not form an integral part of the larger area of Urban Green Space, due to the ownership and previous use forming an apparent separation from the main woodland. Spa Wood is classed as natural and semi natural greenspace. The Kirklees Open Space Study (KOSS) identifies there being sufficient provision of natural and semi natural greenspace in the Newsome Ward when compared against minimum local standards of 2ha per 1,000 residents for natural and semi natural greenspace, with Newsome Ward having a provision of 4.56ha per 1000. The Woodland/treed area is considered to be of important value. Regardless, the proposal is outside of the main woodland, being contained within the brownfield site. As such the development would not result in the loss of the valued woodland, which is the valuable aspect of the Urban Green Space. The woodland is not under the applicant's ownership, being owned by Kirklees Council. It is therefore concluded reasonable to view the site separately from the larger area of Urban Green Space.
- 10.9 Consideration is also given to the state of the current site. The site is brownfield land and having been vacant for a period of time is currently used for fly tipping. A recent inspector's decision provided clarification on the public benefit aspect of policy D3 (ref. 2015/92944). 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. Considering the community benefit, the proposal would lead to an enhancement of the area, through the removal of the visually degraded site at present, while also creating a more accessible and safe access to the main woodland area. Furthermore, while not in itself sufficient to justify the development of Urban Green Space, the provision of residential units during a time of shortage does convey public benefit.
- 10.10 Considerable weight is given to the extant permission on site, 2004/92107, through which permission is in place for the erection of a three storey 24 apartment block. Planning applications must be determined in a consistent manner, with 2004/92107 establishing the principle of residential development on site. While the NPPF and PDLP have become material considerations since the determination of 2004/92107, as the permission remains extant they do not materially change the circumstances.

Principle of development; Conclusion

- 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 Considering the established principle for residential development on site, alongside the potential community benefits put forward, on balance it is considered the benefits of the proposal 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.

Design issues

- 10.13 While the application has been made at outline stage, with all matters reserved, an indicative layout has been provided as a guide to what could be achieved on site. The layout shows that the site can be developed in an efficient manner, although officers do hold some concerns to aspects of the layout. These concerns include proximity to the adjacent trees and proximity to neighbouring dwellings. Further details are also required on the extent of excavations and retaining structures. Nonetheless these concerns are not deemed to be insurmountable, with the proposal being subject to change at reserved matter stage.
- 10.14 More detailed aspects permitting a full visual amenity impact, including architectural features, roof design and facing materials, will be addressed at the reserved matters stage. The reserved matters will also provide the required details on required levelling works and other external features, including boundary treatment details. At this stage there is considered no prohibitive considerations which would prevent the proposed dwelling having an acceptable impact on the area's visual amenity and preventing the reserved matters application adhering to Policies BE1, BE2 and BE12 of the UDP, PLP24 of the PDLP and Chapter 7 of the NPPF.

Residential Amenity

- 10.15 Policy D2 of the UDP and NPPF paragraph 17 seek to protect residential amenity. Policy BE12 sets out the normally recommended minimum distances between habitable room windows. As the application is at outline stage with all other matter reserved the impacts the proposed development would have on the amenities of neighbouring dwellings and the future occupiers of the proposed development cannot be fully considered at this stage. However, the illustrative layout submitted with this application will be considered although the details may be subject to change.
- 10.16 To the east of the site is Enoch Lane. A terrace row of three dwellings backing onto Enoch Lane; these dwellings are shown to face the indicative plan's dwellings at 20.5m. This is a shortfall of 0.5m from BE12's standards for habitable to habitable room windows. Given this minor shortfall, and the notable level differences between the application site and the dwellings backing onto Enoch Lane, it is not considered that the proposed arrangement would be harmful to the amenity of neighbouring residents.
- 10.17 The indicative plans show the proposed dwellings arranged into two terrace rows facing one another at 20.0m. This is a shortfall of 1.0m from BE12's standards for habitable to habitable room windows. This is a cause for concern as the relationship would raise issues of overlooking and

overbearing. To the south of the application site is the converted residential mill. On the indicative plan the side window of the mill, which does host habitable room windows, is 11.0m from the side of the proposed dwellings. This is a shortfall of 1.0m from BE12's standard from habitable to blank walls.

- 10.18 The shortfalls of BE12's guidance is noted. However, the application is outline with all matters reserved. Given the shortfalls detailed above are minor they are not considered to prohibit residential development of the site. A full assessment will take place at reserved matters stage, where formal details on layout, scale and appearance (to include window arrangement) are provided.
- 10.19 Consideration must also be given to the amenity of future residents. To the north of the site is Spa Wood, with there being commercial units further to the north-west. Environmental Health express concern over the proximity of the units to the commercial units, and request a condition be imposed that a noise report is submitted. This is deemed reasonable. Some concern is held over the proximity of dwellings to the woodland in the inductive plan; being too close to woodland can cause concerns of overbearing and overshadowing, along with other nuisance such as leaf litter, which can cause pressure to fell. If minded to approve the proposal a note can be imposed bringing this concern to the applicant's attention.
- 10.20 In summary the residential development of the site is not anticipated to harm the amenity of neighbouring residents. This is subject to a detailed assessment of the relevant reserved matters. Nonetheless, as this stage, the proposal is considered to comply with Policy D2 of the UDP, PLP24 of the PDLP and Paragraph 17 of the NPPF in relation to residential amenity.

Highway issues

- 10.21 Access to the site is proposed from Lockwood Scar. There is an existing access point, serving the converted mill of 19 apartments. As part of 2004/92107 the access was part-improved to accommodate the development, which included the conversion of the mill and erection of a 24-apartment block.
- 10.22 At reserved matters stage further details will be required on the proposed access, as numbers will dictate whether further enhancements are required. Additional information on internal arrangements, including parking and swept path analysis for delivery/service vehicles will be required. Nonetheless, at this stage, there is no in-principle objection to the proposal from Highways Development Management.

Other Matters

Ground contamination

- 10.23 Given the history use of the site concern is held over ground based contamination. If minded to approve it is considered necessary to condition the investigation and remediation, along with other appropriate measures, to ensure the site is safe for habitation. This is to comply with the guidance of Policy G6 of the UDP.

Drainage issues

- 10.24 The site is within Flood Zone 1 and as the site is under 1ha a Flood Risk Assessment is not required.
- 10.25 Consultation has been undertaken with Yorkshire Water and the Lead Local Flood Authority. Subject to appropriate conditions neither group opposes the development.

Planning obligations

- 10.26 As the application is outline with all matters reserved the end number of units is unknown. To accord with Policy H10 of the UDP, PLP11 and the Kirklees Interim Affordable Housing Policy, if minded to approve, a condition can be imposed requiring the provision of affordable housing should 11+ units be sought.
- 10.27 Under Policy H18 of the UDP sites of 0.4ha require Public Open Space. Given the site's area of 0.24ha, this is therefore not required.

Ecological considerations

- 10.28 The application site adjoins, and partly overlaps, an area of the Kirklees Habitat Network, 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.
- 10.29 A Preliminary Ecological Appraisal has been submitted to support the proposal. The report is considered sufficient to determine that it is possible to develop the site for housing while avoiding significant ecological impacts and providing appropriate ecological enhancement. Further details will be required prior to development commencing however. K.C. Ecology have advised that a condition be imposed, requiring the submission of an ecological design strategy. This is considered appropriate and reasonable, so as to comply with Policy PLP30 of the PDLP and Chapter 11 of the National Planning Policy Framework.

Crime Prevention

- 10.30 Policies BE1 and BE23 of the UDP and PLP24(e) of the PDLP require consideration of crime prevention. Given the site's location adjacent to woodland, this is a particular concern.
- 10.31 The Police Architectural Liaison Officer has provided advise on crime mitigation and prevention measures. As the application is made at outline, with all matters reserved, it is not considered reasonable to impose any conditions at this stage. If minded to approve the PALO comments are to be placed as an informative, in the effort to ensure crime mitigation is considered during the design phase.

Impact on Trees

- 10.32 The site is adjacent to, and partly within, Spa Wood. Spa Wood is not protected by a TPO, however this is because it is under the ownership of Kirklees Council. Mature trees border much of the application site. The trees in question are not rooted in the application's red line although their crown spread does encroach. As the trees are not within the applicant's ownership, they would require permission from the landowner (Kirklees Council) to remove them.
- 10.33 From a policy context, Policy NE9 of the UDP requires development to retain and protect mature trees, with Policy PLP33 stating; *'the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity'*.
- 10.34 As the application is made with all matters reserved, officers are unable to assess the impact of the development on the adjoining trees. If minded to approve a note /informative can be imposed on the decision notice informing the applicant that any reserved matters application must give due weight to the neighbouring trees; considerations would include impact of leaf litter, shading and proximity to rooting.
- 10.35 Regarding the application site itself, it is primarily clear however there are some trees on site. These are young and self-seeded, of poor quality. They provide limited amenity value and officers do not object to their removal.
- 10.36 At this time there are considered no prohibitive reasons that the site could not be developed without detrimentally impacting on the neighbouring mature trees. Therefore the proposal is deemed to comply with NE9 of the UDP and PLP33 of the PDLP.

Representations

- 10.37 Two letters of objection have been received. Below are the issues which have been raised that have not been addressed within this assessment and the case officer's response.
- Development of the land may result in landslide from Enoch Lane. This would undermine the stability of properties which back onto Enoch Lane.
Response: The extent of excavation works is unknown at this time. Consideration of this will be given at the appropriate reserved matters stage.
 - Concerns that the redline encroaches onto council land.
Response: This was identified to be correct. The application was invalidated, and an amended redline was provided. The application was re-validated and the application re-advertised.

11.0 CONCLUSION

- 11.1 The site is allocated as Urban Green Space within the Kirklees Unitary Development Plan and Kirklees Publication Draft Local Plan. As such the residential use represents a departure. However the principle of a residential

use on this site has been agreed previously, with the site holding an extant permission for the construction of flats.

- 11.2 Whilst part of the wider Urban Green Space, the application site is a brownfield site in a neglected and dangerous state. Similarly, whilst the wider Urban Green Space allocation is valued for its woodland and habitat value, the application site consists primarily of low value young self-seeded vegetation. The appropriate development of the site would allow for the potential enhancement to the entrance of the valued woodland.
- 11.3 While limited weight is given to the provision of housing, given the site's Urban Green Space allocation, considering this along with the extant residential permission and state of the site, on balance in officers consider the departure to be acceptable.
- 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. Standard OL cond (submission of reserved matters)
2. Standard OL cond (implementation of reserved matters)
3. Standard OL cond (reserved matters submission time limit)
4. Standard OL cond (reserved matters implementation time limit)
5. Highways
6. Ecology
7. Drainage
8. Affordable Housing (if Reserved Matters is for more than 11 dwellings)
9. Crime prevention
10. Noise Report
11. Contamination Reports

Note: Advisory text on ensuring works do not prejudice adjacent council owned trees.

Note: Regarding crime mitigation measures.

Background Papers

Application and history files can be accessed at:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f90143>

Certificate of Ownership: Certificate A signed

Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 02-Nov-2017

Subject: Planning Application 2017/92923 Formation of temporary car park (retrospective) Land off Gasworks Street, Huddersfield

APPLICANT

KSDL, C/O Agent

DATE VALID

21-Aug-2017

TARGET DATE

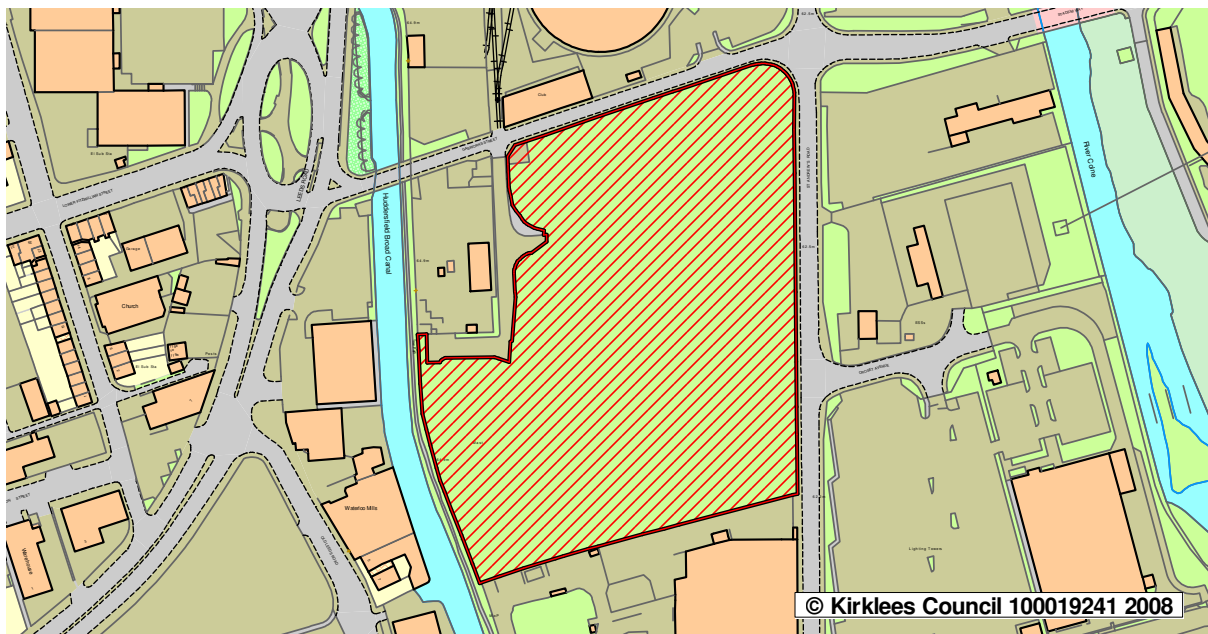
20-Nov-2017

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Dalton

Yes

Ward Members consulted
(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 presented to Strategic Planning Committee as it involves development on a site which is in excess of 0.5 hectares in area.

2.0 SITE AND SURROUNDINGS:

2.1 The site is roughly rectangular and lies outside the ring road on a parcel of land which is bounded by a high stone boundary wall. Gasworks Street is one of the main routes to the John Smith's Stadium which lies approximately 320m to the north east of the site.

2.2 The site covers an area of approximately 2.9 hectares and according to the applicant; the site has previously been remediated by National Grid when a large number of buildings and infrastructure were removed from the site. The site is currently vacant and comprises brownfield land. The site falls from west to east towards St Andrew's Road. To the east of the site lies a towpath and Huddersfield Broad Canal. Manufacturing works lie to the south.

2.3 There is an existing access to the site off Gasworks Street which is where access to the site would be taken. There is a further existing access in the south eastern corner of the site which leads to St Andrew's Road.

3.0 PROPOSAL:

3.1 It is proposed to use Gasworks Street as a surface level car park for a temporary period of no more than two years. It is proposed that the site be used for the following:

Phase 1

3.2 The site will be used to accommodate match day parking (football and rugby league) along with some contract parking. The site will also be used for car storage for nearby car showrooms.

3.3 The Gasworks Street entrance will be used on normal days (not match days) for all visitors. On match days the existing Gasworks Street gate will be used for pedestrians only (entrance and exit). The entrance on St Andrew's Road

will be used for vehicles only (entrance and exit). For any use of the car park during match days, there will be no permit parking and marshals will be in attendance to ensure the car park is properly utilised – a key requirement of the Stadium's Car Park Management Plan.

- 3.4 The surface of the car park would be a temporary porous surface of 100mm road planings separated from the existing surface by a geotextile layer.

Phase 2

- 3.5 This involves the closing of the existing St Andrew's Road gated access and the construction of a new vehicle access a short distance further along St Andrew's Road. This will require part of the wall to be removed to allow for adequate visibility splays. The site gradient at the point of the new access may also need to be 'adjusted'. However, the details of these works have yet to be finalised.
- 3.6 In the long term it is the intention of the applicants to provide a permanent car park that will function as the key visitor car park for those drawn to the HDOne development scheme. The applicant has indicated that this will be submitted within the next 18 months, hence the temporary nature of the application hereby proposed.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2007/94438 - Outline application for erection of mixed use development comprising retail (Use Class A1) and/or leisure (Use Class D2) (alternative proposals), offices (Use Class B1) and residential (Use Class C3) with associated access, landscaping, servicing, car parking, pedestrian link over canal and relocation of telecommunication towers – Approved.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The scheme has been through a formal pre-application process. A response to the pre-application request was made on 17th July 2017.

Kirklees Highways DM initially commented on the proposal and requested additional detail and clarification from the applicant. Following the submission of further information, there are now no objections from Highways DM.

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. 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. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant 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:

D2 – Site without notation
BE1/2 - Design and the Built Environment
BE23 - Crime Prevention Measures
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
PLP20 – Sustainable Travel
PLP21 – Highway safety and access
PLP22 – Parking
PLP24 – Design
PLP27 – Flood Risk
PLP28 – Drainage
PLP30 – Biodiversity and Geodiversity
PLP32 – Landscape

6.2 Supplementary Planning Guidance:

- Planning Practice Guidance

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised on site and in the local press. No representations have been received.

8.0 CONSULTATION RESPONSES:

Statutory

Highways Development Management – No objections. Full details outlined in the remainder of this report.

Environment Agency – No objection. It is noted that the existing car park egress (as shown on drawings 14597-042-D and 14597-SK042-A) which is to be used during phase 1 of the works) lies within flood zone 3, and the proposed new access gate being created as part of the phase 2 works (shown on drawing 14597-043-B) lies within flood zone 2. You should satisfy yourselves that the risk to the development, and to others, has been appropriately considered and mitigated. You may need to consider the implications of this on evacuation of the site in the event of a flood.

Canal and Rivers Trust – The proposals include the introduction of stockpiled material within proximity to the canal. There is potential that these stockpiles, if not adequately controlled, could degrade the appearance of the site as viewed from the canal, which would be contrary to the aims of saved policy BE1 from the Kirklees UDP.

At present, the site is mainly screened from the waterway by a brick wall, which we believe is to remain in situ. As a result, if the stockpiles do not exceed the height of the wall (or the Heras fencing proposed around them, which is of similar height), then they should not result in any significant impact on the visual appearance of the waterway.

Non Statutory

Biodiversity Officer – No objection. As the site is currently used for car parking for a limited number of days under permitted development rights, this indicated the likely low value of the habitats present. As the present proposals are for continued use of the site for parking, but for a limited duration, I am satisfied that the potential for significant ecological impacts is limited. I have no objection provided any consent does not last beyond 18 months.

Health and Safety Executive – Does not advise against granting planning permission.

Environmental Health – No objection. We have reviewed the Ashton Bennett report dated June 2016, report reference 3263 and the supporting planning information. We accept the proposal for the site to be used for a maximum of 2 years with a geotextile membrane and hardcore surface provided that the surface is maintained to a good standard.

Recommend one charging point per 10 parking spaces.

Police Architectural Liaison Officer - I would ask that a suitable condition be included to secure adequate CCTV and lighting which would address the operational security needs of the car park.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Highway issues
- Drainage issues
- Other matters

10.0 APPRAISAL

Principle of development

10.1 The sites comprises unallocated land on the Unitary Development Plan. It lies to the east of the ring road and outside Huddersfield town centre and in an area characterised by a mix of mainly commercial and industrial uses.

10.2 The site historically contained a car park, buildings and other infrastructure used in association with National Grid operations. All buildings and infrastructure have been removed from the site. The site now comprises brownfield land.

- 10.3 Outline planning permission was granted in July 2010 for a multi-use leisure and entertainment development adjacent to the John Smith Stadium (2008/92864). This is known as HDOne. Since then, considerable progress has been made on this scheme, but due to the passage of time an application was submitted in June 2016 to renew the earlier planning permission, thus allowing additional time to submit Reserved Matters (application reference number 2016/92122). Kirklees Council's Strategic Planning Committee granted planning permission in November 2016 for an extension of time allowing an additional three years. The applicant states that the development scheme is now moving forward at a rapid pace and they intend to submit Reserved Matters details in respect of scale, appearance, access, layout and landscaping in due course.
- 10.4 One of the key changes to HDOne as time has progressed has been the need to reduce the number of car park spaces within the site. The only other way of accommodating the parking spaces required would be to provide large multi-storey structures within the HDOne scheme which may render the scheme unviable. Therefore, the current proposal is to transfer some of the parking to the current application site. The applicant states that the medium/long-term objective is to create a permanent car park on the site to support HDOne.
- 10.5 The applicant states that there is an urgent and pressing need to ensure that there is adequate car parking available for events and activities at John Smith stadium, particularly on football match days. Therefore, the current application is considered acceptable in principle for a temporary period in order to address the immediate shortfall in car parking.

Urban Design issues

- 10.6 Paragraph 58 of the NPPF states that planning decisions should ensure that developments respond to local character and history, and reflects the identity of local surroundings and materials. Policies BE1 and BE2 of the UDP reiterate considerations in relation to design, materials and layout.
- 10.7 It is acknowledged that the proposed development does little to alter the existing character and appearance of the site. However, to a large extent visibility of the site is limited by a prominent boundary wall which surrounds the site. The site has limited visibility with obtainable viewpoints of the site when viewed from the site entrance and the existing point of access off St Andrews Road.
- 10.8 Given that this is a prominent site which forms a gateway to the stadium and future HDOne proposals, officers are of the view that in the long-term it is important that the site functions as a component part of HDOne and includes elements which make a positive contribution to the area. However, on the basis of the temporary nature of the proposal, and the fact that the proposal has a limited impact on the character and appearance of the locality, the proposed development is considered to represent an acceptable design.

Highway issues

- 10.9 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.*
- 10.10 Phase one of the car park works would allow up to 970 car parking spaces. Phase two would involve the closing of the existing St Andrew's Road gated access and the construction of a new vehicular access further to the north on St Andrew's Road. The car parking capacity would increase to approximately 1067 spaces.
- 10.11 In terms of phase 2, there are no substantial alterations to the points of access as access from Gasworks Street would still be closed off prior to kick off.
- 10.12 The applicant has stated that the purpose of the car park is to reallocate spaces during the construction of the HDOne development. However, in the short term and to address existing on street parking issues on match days, the proposed development also allows match day use.
- 10.13 As the site is to be used as a car parking facility on match days (particularly associated with Huddersfield Town FC), it is understood that this would potentially create significant vehicular movements over a relatively short period of time. The access point off Gasworks Street would not be available for vehicles on match days; instead vehicles would have to use the access off St Andrew's Road. In addition, a pass would have to be purchased prior to arrival, and entry would be restricted to home fans only. At present permits are only issued to home fans and are sold through the club prior to kick off. The car park would be supervised at all times by stewards both prior to and during matches.
- 10.14 Highways DM have assessed the supervision and as the car park is already operating, they have visited the site on a match day. On 21st October 2017 they observed the operation of the car park when the stadium was at full capacity. In this instance 271 spaces of the 470 allocated were occupied. The company that manages the car park provides 400 contract car parking spaces available 7 days per week, 470 match day spaces available on a pre-booked basis by home fans, and 100 spaces available for the parking and storage of new cars associated with the adjacent showrooms.
- 10.15 Consultation with Kirklees Parking Services suggests that the demand for parking at this north eastern side of the town centre is limited (as evidenced by the daily spare capacity that exists in the Cambridge Street car park) and that it is unlikely that the full quota of 400 spaces will be occupied in the short term. However, the medium term need for this parking is to accommodate existing parking that will be displaced around the stadium when the

construction of the HD One development commences. It is expected therefore that these spaces will be fully utilised in the medium term.

- 10.16 On match days, the site has capacity to accommodate 470 pre-booked home fans vehicles. Based on the arrival and departure pattern at the other match day permit parking areas, 51% of arrivals are expected in the hour before kick-off and 60% of departures are expected in the hour after the final whistle. Assignment to the network is controlled by temporary match day signage and traffic management procedures. This involves holding all vehicular movements out of Stadium Way until approximately 30 minutes after the final whistle to give time for pedestrians to clear the immediate area of the stadium. When vehicle movements are permitted, these are temporarily managed to allow vehicles exiting Stadium Way to use Gasworks Street (westbound only) and St. Andrews Road (northbound only). St Andrews Road south of Gasworks Street is temporarily made southbound only and thus is only used during this period by cars parked on-street and those using the Gasworks Street car park (the subject of this application).
- 10.17 The internal layout of the car park has paid special attention to getting cars off the public highway by providing a long internal access lane for the checking of passes. A steady arrival and departure rate over the weekday AM and PM Peak periods for contract parking is not considered to be a concern in highway capacity terms as it is also noted that a car park is not a generator of trips in its own right with those trips already on the network and parking elsewhere, primarily on Stadium Way in this case. Congestion is expected and is evident on match days, particularly after the event. However, traffic management is in place and in the medium term, no net increase in parking is expected therefore the general impacts will not worsen over the existing.
- 10.18 In conclusion, the likely transport impacts of the proposal temporary car park at Gasworks Street have been investigated. In the short term, additional limited car parking and associated traffic generation will be introduced into this area. In the medium term, the proposal is a replacement of existing facilities which will be displaced by the construction of the HD One development. The Match Day Traffic Management Plan is tried and tested and is effective in managing both pedestrians and vehicles. On this basis, Kirklees Highways consider the proposals acceptable, subject to suitable conditions.
- 10.19 Overall there are no objections to the scheme from a highways perspective and subject to conditions detailed in this report the application is considered to comply with policy T10 of the UDP.

Drainage issues

- 10.20 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. Due to the proximity to the River Colne, the site is under fluvial flood risk with areas of the lower site lying in Flood Zone 2 and Flood Zone 3a.
- 10.21 The submitted Flood Risk Assessment (FRA) considers the risk of flooding from various sources including rivers, groundwater, artificial sources and surface water. The FRA reveals that there are small areas of surface water

flooding and a flood management plan is therefore, recommended. The applicant states that the flood management plan would cover the following:

- Signing up to the EA Flood Alerts and Warning information service.
- Upon receiving a flood alert or warning, close the entire temporary car park to the public, ensuring persons in the site leave.
- Use the Gasworks Street exit only as egress from the site as it lies in Flood Zone 1.
- If it is safe to do so, place information boards at the entrance point informing unaware public of the closure due to a flood alert or warning.
- Not opening the car park again until all flood alerts or warnings are lifted.

10.22 The Environment Agency has assessed the application and raises no objection subject to a suitable flood management/evacuation plan. The Council's drainage engineer is assessing the FRA and full comments will be reported to Strategic Planning Committee as an update.

Other Matters

10.23 The applicant has submitted contaminated land assessment information and Environmental Protection are satisfied with the proposals on the basis that the stated material is used on site.

10.24 Environmental Health has requested that electric charging points are included for every 10 spaces provided. However, the applicant states that the cost of providing this on a temporary basis would not be sustainable. It is therefore, considered that this could be a requirement of a permanent consent, but it would be unreasonable to request expensive infrastructure as part of a temporary planning permission.

10.25 The applicant has stated that CCTV will be provided on site and this information accompanies the planning application. There are no objections from the Police Architectural Liaison Officer subject to the imposition of an appropriate planning condition.

11.0 CONCLUSION

11.1 The proposed development involves a change of use of the land to a large surface car park for a temporary period. Following an assessment of the proposal and the impact on the highway network, particularly when Huddersfield Town FC play at home, the proposed development is considered acceptable with regard to highway and pedestrian safety. All other matters have been adequately addressed on the basis that the scheme is for a temporary period.

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. 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. Approved plans**
- 2. Use to cease 2 years from the date of decision notice.**
- 3. Highways conditions relating to the phasing of development and management**
- 4. Development to be carried out in full accordance with Flood Risk Assessment**
- 5. Details of CCTV**

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f92923+>

Certificate of Ownership – Notice served on National Grid

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Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 02-Nov-2017

Subject: Planning Application 2017/92743 Outline application for erection of 3 dwellings Land adj, Upper Blacup Farm, Upper Blacup, Halifax Road, Hightown, Liversedge, WF15 8HL

APPLICANT

S Turton

DATE VALID

07-Aug-2017

TARGET DATE

02-Oct-2017

EXTENSION EXPIRY DATE

06-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

No

Ward Members consulted
(referred to in report)

RECOMMENDATION: Refusal

1. The site is allocated as Urban Greenspace on the Kirklees Unitary Development Plan Proposals Map. It forms part of a wider area of natural and semi-natural greenspace which is a visually important and extensive tract of open land which contributes to the attractiveness of the area, when viewed from different locations. It provides visual relief and an important break in an otherwise densely developed area which contributes significantly to the appearance and semi-rural character of the area and gives communities a sense of place and identity. The loss of this site is given significant weight. The proposed development is contrary to Policy D3 of the Unitary Development Plan and Policy PLP 61 of the Draft Publication Local Plan which relates to development on such sites. The loss of the value of the Urban Greenspace is considered to outweigh all other material considerations, including the delivery of new housing.

2. The application has failed to demonstrate that the ecological impacts of development on the semi-natural habitats on the site are acceptable. To approve the application without this information would be contrary to policy EP11 of the Kirklees Unitary Development Plan and chapter 11 of the National Planning Policy Framework.

1.0 INTRODUCTION:

1.1 The application seeks outline planning permission for the erection of 3 dwellings on Urban Green Space. The proposed development is contrary to Policy D3 of the Unitary Development Plan which relates to development on such sites. The loss of the value of the Urban Greenspace is considered to outweigh all other material considerations, including the delivery of new housing. Furthermore, the application has failed to demonstrate the ecological impacts of development on the semi-natural habitats on the site.

2.0 SITE AND SURROUNDINGS:

2.1 The application site comprises part of an agricultural field located to the south-west of Upper Blacup Farm at Hightown, together with part of a smaller field which has been screened by a timber fence and is being used to house a caravan, to rear chickens and for miscellaneous storage purposes. The fields are adjacent to Halifax Road and the larger field sits below the level of the highway, which is retained by a stone boundary wall. Levels slope downwards to the north of the site. The application site is part of a wider area of Urban Green Space on the Kirklees Unitary Development Plan (UDP) proposals map.

3.0 PROPOSAL:

- 3.1 The application seeks outline planning permission for the erection of 3 dwellings. All matters are reserved for future approval.

An indicative layout plan has been submitted which shows a proposal for three detached dwellings, to be accessed off a shared access road. It is intended to utilise the existing vehicular access point off Halifax Road in the south-west corner of the field. In a supporting letter from the applicant dated 14th September, it is envisaged the dwellings would be constructed of cedar panels with flat green roofs.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2002/91473 – Outline application for erection of 1 dwelling – Refused
88/06482 – Outline application for residential development – Refused

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The applicant has submitted a supporting letter during the course of the application. The content of this letter is discussed in the assessment below.

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. 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. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant 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
- D3 – Urban Greenspace
 - BE1 – Design principles
 - BE2 – Quality of design
 - BE12 – Space about buildings
 - T10 – Highway safety
 - EP11 – Ecological landscaping

Supplementary Planning Guidance / Documents:

6.3

- PLP 21 – Highway Safety and Access
- PLP 24 – Design
- PLP 28 – Drainage
- PLP 30 – Biodiversity and geodiversity
- PLP 61 – Urban Green Space

National Planning Guidance:

6.4

- Achieving sustainable development;
- Part 6: Delivering a wide choice of high quality homes;
- Part 7: Requiring good design;
- Part 8: Promoting healthy communities;
- Part 10: Meeting the challenge of climate change, flooding and coastal change;
- Part 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 15th September 2017.

As a result of this publicity eight representations have been received including comments from the Spen Valley Civic Society. A summary of the concerns received is set out below:

Principle of Development

- This is green belt Land not for development. Previous plans were refused.
- The land falls under an area designated as green space and whilst this application is small it bites into and sets a precedent that will lead to a further erosion of this community amenity.
- If passed surely it means more houses could be built on the surrounding land.
- The land has "Green" Planning designation, not clear why residential development is being considered.

Highway Safety

- Halifax Road is a busy and fast road, further vehicles will add to the already congested area.
- Concerned about access onto the busy Halifax Road from the proposed service road. Parking on the pavements on Halifax Road is commonplace and this development would increase the problem with visitors to and residents of the new houses. Such parking, close to the access point onto Halifax Road, is inevitable and will restrict the view of oncoming traffic. This will increase the risk of road traffic accidents.
- Concerned how the access will impact on the access of existing properties on both sides of Halifax Road. Unless there are plans to restrict parking by double yellow lines there would be difficulties for surrounding property owners getting on to Halifax Road, at present there are cars parked on the roadside adjacent to the proposed access. The existing access is for one storage area, if there were three properties with a number of vehicles needing access concerned serious problems with sight lines in both directions.

- In the appeal pursuant to application Ref 2014/91694 the highways authority pointed out that the sightlines where the proposed access road meets Halifax Road, are restricted and the provision of hatching was not recommended as it would have reduced the width of a narrow carriageway. This would increase the risk of collisions. The road is used by large commercial vehicles, is a bus route and a main access route for ambulances going to Dewsbury Hospital.
- This part of Halifax Road is busy on a bad bend. There are multiple driveways, Lynfield drive and a busy bus route. Adding to this, three houses with potentially 6 cars entering the main highway would add chaos to the highway.

Other matters

- These houses would have a detrimental effect on views.
- Trees planted along the boundary edge will have a detrimental effect on views.
- There is permission already for many houses in this area that have yet to be constructed and which will place significant stress on local schools which are already at capacity. Added to this are further areas of land designated for house
- building under the Development Plan thus rendering the need to erode community green areas unnecessary.

Spenn Valley Civic Society:

Spenn Valley Civic Society objects to this application because the site is designated as Urban Green Space in both the UDP and the Local Plan. A recent appeal decision by the Planning Inspectorate (APP/Z4718/W/16/3162164) re an Urban Green Space site at White Lee Road Batley has upheld the importance of UGS as open green space for the benefit of the community even if the site does not have public access. Putting housing on this site would affect public amenity views of Cleckheaton and the Spenn Valley from Halifax Road and provide a precedent for the development of the entire surrounding UGS-designated hillside.

Councillor Pinnock:

“The site is quite clearly in the Urban Greenspace allocation, and is not adjacent to any other buildings; it is not even adjacent to Upper Blacup Farm. A more correct address would be Halifax Road.

One of the questions on the application form asks if the site is currently vacant. The applicant has answered NO to this, when I think the answer should be YES”

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

- **K.C Highway Services** – No objections

8.2 Non-statutory:

- **K.C Environmental Services** – No objections
- **K.C Ecology** – A preliminary ecological appraisal is required

9.0 MAIN ISSUES

- Principle of development
- Highway Issues
- Visual Amenity
- Residential Amenity
- Ecological Issues
- Drainage Issues
- Representations

10.0 APPRAISAL

Principle of development

- 10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that: “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”.
- 10.2 The application site forms a part of an extensive area of open land which is identified as Urban Greenspace (UGS) on the Kirklees Unitary Development Plan (UDP). Urban Greenspaces are defined in the Kirklees UDP as areas of open land within or immediately adjoining built up areas identified as being particularly valuable for amenity, recreation or wildlife. At the UDP Public Inquiry a 46 Ha swathe of Urban Greenspace (UGS) allocation was considered by the inspector. The UDP inspector concluded that the wider urban green space site *“is an extensive open tract of agricultural and grazing land and vacant overgrown areas, lying between the Hightown area of Liversedge and the Moorside area of Cleckheaton. It includes field hedges, tree groups and pockets of buildings mainly of agricultural origin. It forms an attractive feature, appreciated from many vantage points both within the built-up areas and along the public footpath network across the land, and plays a very significant and worthwhile role in providing relief from urbanisation. The area as a whole is of a visual quality meriting UGS designation”*.
- 10.3 The starting point for consideration is Policy D3 of the Unitary Development Plan, which is afforded significant weight given the degree of consistency between this policy and the NPPF in respect of paragraph 215. Policy D3 sets out at part (i) that on Urban Greenspace 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 sports and recreation). Or as part (ii), it includes an alternative provision of Urban Greenspace equivalent in both quantitative and qualitative terms to that which is being developed.
- 10.4 The proposal for 3 dwellings does not accord with UDP policy D3 as it is not necessary for the continuation or enhancement of established uses, it does not involve the change of use to an alternative open land use and it does not result in a specific community benefit under the provisions of UDP policy D3. As such, the proposal does not meet the first criterion of policy D3. In respect of the second criterion of policy D3 which refers to alternative provision, the

proposal for the appeal site does not propose alternative provision and would cause harm to visual amenity by impacting on the character and appearance of the Urban Greenspace. Therefore the proposal is contrary to the development plan for Kirklees, specifically in relation to UDP Policy D3.

10.5 The applicant has submitted a letter in support of the application. It states:

“We are aware that the land is designated as Urban Greenspace and where Policy D3 of the UDP applies. We have sought, where possible to find a outcome where planning could be granted on the land. In order to replace the space (as policy D3) which would be lost, in this case would approximately three quarters of an acre, in both quantitative and qualitative terms we would like to offer £45,000 in order for the Council replace the community facility loss once this development takes place”.

10.6 This statement does not provide any evidence that the proposal will result in a specific community benefit and the proposal fails to accord with policy D3 of the UDP.

10.7 Whilst acknowledging that the proposals for the site are contrary to the Kirklees development plan, it is important to consider other material considerations.

Publication Draft Local Plan

10.8 NPPF paragraph 73 recognises that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of local communities. The site is part of a larger strategically important area of Urban Greenspace in the Publication Draft local Plan. The area of land has been assessed as part of a wider area of Natural and Semi-Natural Green Space in the Open Space Study 2015 (revised 2016). This natural and semi-natural greenspace has been assessed as having high value as open space. The natural and semi-natural greenspace is a visually important and extensive tract of open land which contributes to the attractiveness of the area, when viewed from different locations. It provides visual relief and an important break in an otherwise densely developed area which contributes significantly to the appearance and semi-rural character of the area and gives communities a sense of place and identity. The loss of this site is given significant weight.

10.9 Policy PLP 61 of the Draft Publication Local Plan states development will not be permitted within urban green space unless the proposal meets the exception criteria. Exceptions include where it can be demonstrated that the open space is clearly no longer required to meet local needs, that the proposal will provide replacement provision of equivalent or better in size, quality and accessibility, or that it is for alternative open space, relates to the continuation or enhancement of the use of the site and maintains the quality and function of the green space, or that it would result in a substantial community benefit that clearly outweighs the harm resulting from the loss of the green space. The proposal does not meet any of the exceptions for development on land allocated as urban green space and fails to accord with Policy PLP 61.

Housing Land Supply

10.10 In assessing the sustainability of the proposal, the council has considered the presumption in favour of sustainable development in relation to social, economic and environmental factors. The social and economic benefits of the provision of 3 new dwellings are not considered to make a significant contribution in terms of the impact on the housing land supply. The planning judgement is that the adverse impacts of the loss of this Urban Greenspace site significantly and demonstrably outweigh the benefits when assessed against UDP Policy D3 and the NPPF as a whole and all other relevant material considerations. The Publication Draft Local Plan and associated evidence demonstrates that upon adoption there will be a five year supply of deliverable housing sites without the need to allocate the site for housing. The provision of 3 new dwellings would not have a significant impact on the current housing land supply position in the meantime.

Planning Balance

10.11 The planning judgement is that the adverse impacts of the loss of this Urban Greenspace site significantly and demonstrably outweigh the benefits when assessed against UDP Policy D3 and the NPPF as a whole and all other relevant material considerations.

Highway issues

10.12 Policy T10 of the Unitary Development Plan (UDP) sets out the matters against which new development will be assessed in terms of highway safety. The development proposes three dwellings of four or more bedrooms. Although off-street parking provision is included, it is not specified or dimensioned and there are no internal turning facilities shown on the submitted plan.

10.13 A number of concerns have been raised in the representations received about the impact of the proposed development on highway safety. These representations are précised in the representations section above.

10.14 This section of Halifax Road is a busy single carriageway A-road subject to a 30mph speed limit with a 1.8m footway on the same side as the proposed development. For this application to be considered acceptable Highway Services advise the development should have sufficient resident and visitor parking so as to meet the parking standards in the UDP and also to demonstrate that internal turning is achievable so as to be able to access and egress the site in a forward gear. Any retaining structures affecting the highway will require formal technical approval by the Council as the Highway Authority. Details of all proposed retaining features and underground storage facilities (including pipes) would be required.

10.15 There are no objections to the grant of outline permission with all matters reserved, however full details are required at reserved matters stage to include those matters referred to in the highways officer's response. It is important to clarify that the comments of the highways officer referring to possible future development and the necessity of having an adopted road are not applicable taking into account the urban green space allocation.

Visual Amenity

- 10.16 A full assessment of the layout, scale and appearance of the dwellings would be made upon the receipt of reserved matters. The indicative plan shows the development would comprise of three properties served by a private drive along the frontage of the site. In the supporting letter dated 14th September it states the dwellings will be constructed of cedar panels with flat green roofs. Such detailing would have to be assessed, however it is considered that there is scope to secure details which would not harm the character of the surroundings.

Residential Amenity

- 10.17 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 which would be affected by the proposal are No.708 Halifax Road to the west of the site and properties opposite the site to the south off Halifax Road.
- 10.18 The plot in the western part of the site looks to be sited in close proximity to neighbouring property No.706. However, all matters are reserved for future approval and it is considered an acceptable scheme for three dwellings could be brought forward which would meet the requirements of policy BE12 and would ensure there would not be material harm to the amenity of neighbouring properties; their habitable room windows or private amenity spaces.

Ecological Issues:

- 10.19 UDP Policy EP11 requests that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. As the site currently comprises semi-natural habitats, ecological information is needed to support the application. A preliminary ecological appraisal is required, and the applicant has failed to demonstrate the ecological impact of the development and any necessary mitigation.

Drainage issues

- 10.20 The proposal is to drain surface water by a sustainable drainage system. No details have been provided at this stage as all matters are reserved for future approval. If the application was considered to be acceptable in all other regards this matter could be addressed at reserved matters stage.

Representations

- 10.21 Eight representations have been received. In so far as the comments raised have not been addressed above:
- 10.22 These houses would have a detrimental effect on views.
Response: The loss of a view is not a material planning consideration.
- 10.23 Trees planted along the boundary edge will have a detrimental effect on views.
Response: The loss of a view is not a material planning consideration.

10.24 There is permission already for many houses in this area that have yet to be constructed and which will place significant stress on local schools which are already at capacity. Added to this are further areas of land designated for house building under the Development Plan thus rendering the need to erode community green areas unnecessary.

Response: The proposal does not accord with policy D3 of the UDP and the principle of development is unacceptable. A proposal for three dwellings would not trigger an education contribution.

10.25 The Spen Valley Civic Society objects to this application because the site is designated as Urban Green Space in both the UDP and the Local Plan. A recent appeal decision by the Planning Inspectorate (APP/Z4718/W/16/3162164) re an Urban Green Space site at White Lee Road Batley has upheld the importance of UGS as open green space for the benefit of the community even if the site does not have public access. Putting housing on this site would affect public amenity views of Cleckheaton and the Spen Valley from Halifax Road and provide a precedent for the development of the entire surrounding UGS-designated hillside.

Response: The proposal does not accord with policy D3 of the UDP and the principle of development is unacceptable as discussed in detail in the principle section above.

10.26 Councillor Pinnock has stated “the site is quite clearly in the Urban Greenspace allocation, and is not adjacent to any other buildings; it is not even adjacent to Upper Blacup Farm. A more correct address would be Halifax Road. One of the questions on the application form asks if the site is currently vacant. The applicant has answered no to this, when I think the answer should be yes”

Response: The site is currently vacant with the exception of an unauthorised caravan and the use of part of the site for storage.

11.0 CONCLUSION

11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government’s view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. The site is urban greenspace and the proposed development proposals do not accord with policy D3 of the development plan. The adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.

12.0 Reasons for Refusal

1. The site is allocated as Urban Greenspace on the Kirklees Unitary Development Plan Proposals Map. It forms part of a wider area of natural and semi-natural greenspace which is a visually important and extensive tract of open land which contributes to the attractiveness of the area, when viewed from different locations. It provides visual relief and an important break in an otherwise densely developed area which contributes significantly to the appearance and semi-rural character of the area and gives communities a sense of place and identity. The loss of this site is given significant weight. The proposed development is contrary to Policy D3 of the Unitary Development Plan and Policy PLP 61 of the Draft Publication Local Plan

which relates to development on such sites. The loss of the value of the Urban Greenspace is considered to outweigh all other material considerations, including the delivery of new housing.

2. The application has failed to demonstrate that the ecological impacts of development on the semi-natural habitats on the site are acceptable. To approve the application without this information would be contrary to policy EP11 of the Kirklees Unitary Development Plan and chapter 11 of the National Planning Policy Framework.

Background Papers:

Website link

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f92743>

Certificate of Ownership –Certificate A signed

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Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 02-Nov-2017

Subject: Planning Application 2017/92286 Change of use from existing industrial use (B1) to mixed use brewery with on-site public tasting room (brewery tap room) and storage of alcohol/function area. Unit 15, Heath House Mill, Heath House Lane, Golcar, Huddersfield, HD7 4JW

APPLICANT

T Pegg

DATE VALID

11-Jul-2017

TARGET DATE

05-Sep-2017

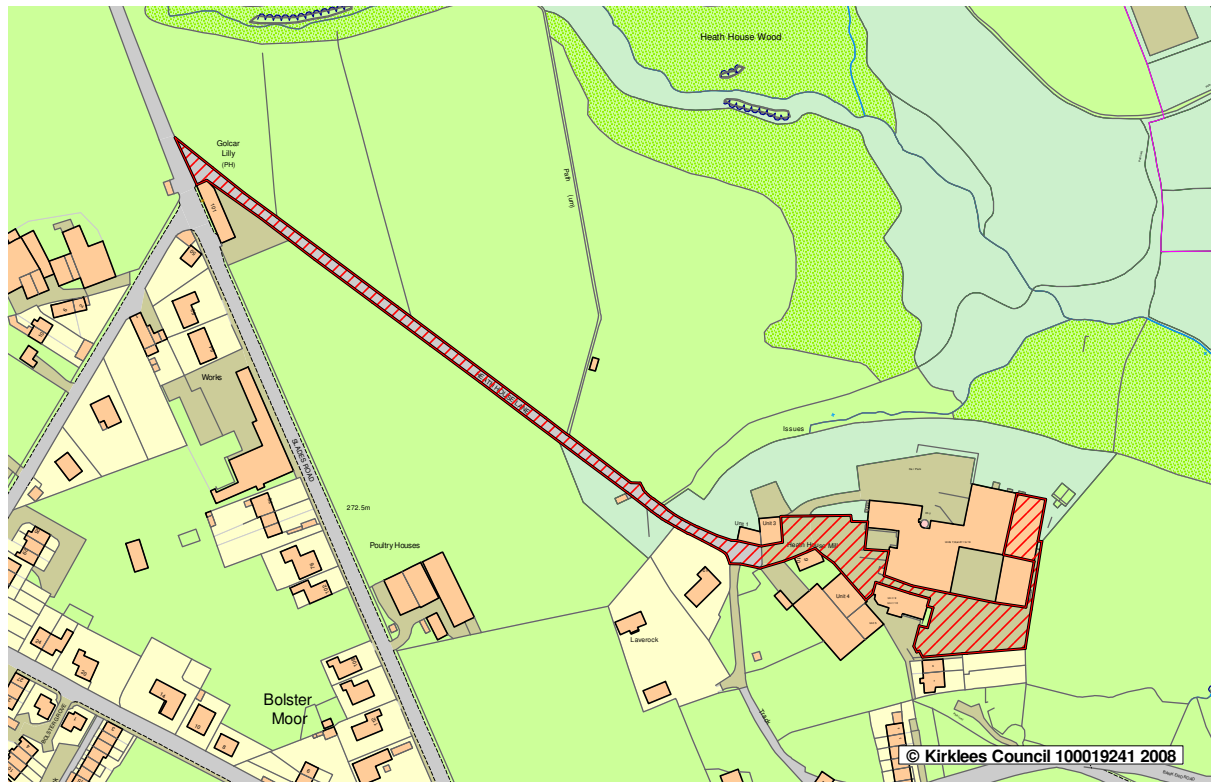
EXTENSION EXPIRY DATE

07-Nov-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: Colne Valley

No

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 is brought to the Strategic Committee in accordance with the Scheme of Delegation because the proposal is for a non-residential development on a site area greater than 0.5 hectares.

2.0 SITE AND SURROUNDINGS:

2.1 The application relates to the ground floor of part of a former mill (Heath House Mill). The mill complex has been subdivided into a number of commercial units. The application site includes the shared parking area that serves some of the commercial units.

2.2 The mill site is accessed via Heath House Lane which is an unadopted track off Slades Road in Golcar. Heath House Lane carries public footpath COL/60/10 and COL/60/20.

2.3 The mill lies within the Green Belt. There are open fields to the east, woodland to the north, residential development to the south and open fields and a small number of dwellings to the west.

3.0 PROPOSAL:

3.1 Change of use from existing industrial use (B1) to mixed use brewery with on-site public tasting room (brewery tap room) and storage of alcohol/function area. The brewery and tasting room/function area are already operational.

The brewery currently operates between the hours of 8am to 5pm Monday to Friday and these hours would remain unchanged. In respect of the opening times of the tasting room and function area the proposed hours are:-

- Wednesday, Thursday & Friday: 17:00 to 23:00
- Saturday: 12:00 to 23:00
- Bank Holidays: 12:00 to 23:00

4.0 RELEVANT PLANNING HISTORY:

- 4.1 97/92833 Partial demolition and conversion of industrial premises to 44 no. residential units – Approved

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The applicant was asked to provide additional information relating to the nature of the proposed use which has been used to inform the appraisal at section 10 of this report.

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 Examination in Public began in October 2017. 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. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant 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 The application site is allocated as Green Belt on the Unitary Development Plan Proposals Map.

BE1 – Design principles
BE23 – Crime prevention
B1 – Employment needs of the district
B4 – Change of use of land and buildings last used for business or industry
EP6 – Noise generating development
T10 – Highway safety
T19 – Parking standards

Publication Draft Local Plan (submitted for examination April 2017):

- 6.3 The application site is allocated as Green Belt on the Publication Draft Local Plan. To the north of the site is an area that forms part of a Wildlife Habitat Network.

PLP3 - Location of new development
PLP8 - Safeguarding employment land and premises
PLP21 – Highway safety and access
PLP22 – Parking
PLP24 - Design

Supplementary Planning Guidance / Documents:

6.4 None

National Planning Guidance:

6.5 The following parts of the National Planning Policy Framework are relevant:

‘Core planning principles’

1 - Building a strong, competitive economy

2 – Ensuring the vitality of town centres

4 – Promoting sustainable transport

8 – Promoting healthy communities

9 – Green Belts

‘Decision-taking’

7.0 PUBLIC/LOCAL RESPONSE:

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

7.2 Two representations have been received. One in support and one raised an objection. The representations are summarised as follows:

In support:

- I am not associated with the applicants in any way other than attending some of their events and I can see the building from my property across the valley.
- This venue is wonderful for the area and the council should be supporting this business. This is a great use that will bring a lovely old building back into use.

Objection:

- Numerous families with young children live close by. Concerns with noise, disturbance, safety and unsociable behaviour – particularly as a result of late opening times and alcohol being involved
- Visitors may use the access in front of the houses adjacent to Bank End Road as a thoroughfare; this is not a public right of way and such use could cause conflict
- There is a nearby pub (Golcar Lily) which is sufficient for the village and well separated from young families
- This is a rural area and the proposal will have a major impact on the existing quality of life and surroundings

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways Development Management – No objections

8.2 **Non-statutory:**

KC Environmental Services – No objection subject to conditions restricting the hours of operation and regarding details of any extract ventilation system

West Yorkshire Police Architectural Liaison Officer – No objections

9.0 **MAIN ISSUES**

- Principle of development
- Amenity
- Highway issues
- Representations
- Other matters

10.0 **APPRAISAL**

Principle of development

- 10.1 The development is for a mixed use development comprising of a small scale brewery operation including storage and bottling area along with an on-site public tasting room. The bottling area would double up as a temporary events area alongside the tasting room to provide a space for functions to be held.
- 10.2 The site forms part of a former mill which has been subdivided into various commercial units. The principle of the brewery operation is therefore considered to be compatible with the existing industrial nature of the mill site.
- 10.3 The tasting room essentially provides a form of drinking establishment which would fall within the A4 use class. Drinking establishments are classified as main town centre uses and as such should be located within town centres in accordance with paragraph 24 of the NPPF and UDP policy S1. However, the applicant has stated that the tasting room is intended as an ancillary operation to the main brewing business.
- 10.4 The tasting room would comprise approximately 15% of the overall floor area and would be partitioned off from the bottling/temporary events area by either fencing or ropes. The applicant has indicated that the partitioning needs to be temporary to facilitate forklift truck movements within the building when stock is being moved and prepared for delivery. The tasting room would be open on three weekday evenings and from midday on Saturdays plus Bank Holidays.
- 10.5 Tasting rooms are a common aspect of breweries, particularly small 'craft beer' manufacturers and where brewery tours are offered. Officers accept that the tasting room can be considered to be ancillary to the brewery operation and therefore a sequential assessment is not considered necessary.
- 10.6 The applicant is explicitly seeking permission to use the premises as a function room as part of the mixed use scheme. The bottling area would be made available for use as a temporary events/function area outside of the brewery operating hours. The applicant has been holding a number of events/functions since they opened in March 2017. The events have been held under temporary events licences and there have been twelve of these temporary events so far this year. The applicant has stated that the frequency of future events would be dependent on demand but previous events have

included a wedding, birthday parties and open weekends put on by the applicant. Future advertised events are three murder mystery nights in December.

- 10.7 A function room is not a main town centre use as such although function rooms are invariably associated with another principal use. In this case the function use is essentially associated with the brewery tap room. Officers do not have any significant concerns with the principle of a function room on the site subject to a consideration of the highway safety and residential amenity impacts. However, the inclusion of the temporary events area raises an issue as to whether this would tip the balance in terms of the tasting room being ancillary to the brewery operation because the combined floor area represents a considerable proportion of the overall floor space and there would not be any permanent physical separation between the tasting room and the events area. There is therefore the potential for the proposed tasting room to be enlarged by using the bottling area as an overflow.
- 10.8 If it is considered that the tasting room is more akin to an A4 use in its own right then a sequential assessment should be carried out to establish whether there are any alternative sites capable of accommodating the business in town centre or edge of centre locations. Having said that, even if a sequential assessment is necessary it does not automatically follow that the use would be unacceptable in this location.
- 10.9 The application can only be assessed on the basis of the information provided. The applicant has confirmed that the bottling process is a full day operation which takes place once or twice a week. This area is also used for packaging the beer and readying stock for deliveries and such activities occur each day of the week, taking much of the day and involving fork lift trucks. As such, the bottling/temporary events area would be used on a day-to-day basis as an integral part of the manufacturing process.
- 10.10 Whilst it is recognised that the tasting room could be readily expanded to include the bottling area when it is not being used in connection with beer production, on balance officers are prepared to accept that the tasting room is an ancillary element and the proposals do not require a sequential assessment. A condition could be imposed to seek to ensure that the tasting room remains ancillary to the overall operation. This could be done either by limiting the floor area of the tasting room (although the absence of any permanent physical separation to confine the tasting room makes such a condition difficult to enforce) or by limiting the number of visitors to the premises at any one time. The number of visitors visiting the facility is considered to be the best way of controlling the level of activity.
- 10.11 In a broader sense, the proposals would support the growth of a new business which currently supports one full time and two part time members of staff. The application indicates that up to four part-time jobs would be created by the proposals. In this regard the principle of the development is supported by the NPPF.

Residential Amenity

- 10.12 The premises form part of an established mill that has been subdivided and contains numerous different businesses. These include a steel products manufacturer, a window supplier, green construction firm, a small removal

business and technology repair shop. There are also a number of residential properties within the immediate vicinity. The closest properties are 8 Heath House Lane which is a semi-detached house that abuts the shared parking area; 9 Heath House Lane which is a detached dwelling set within the mill complex and; 12 Heath House Lane which adjoins the main access to the mill site. There are also numerous other dwellings slightly further from the site boundary but still in close proximity.

- 10.13 The main potential sources of noise would be music associated with the function events and from the general comings and goings of visitors to the tasting room and the function events. There is also the potential for activity to 'spill out' into the communal car park for example if a food truck were to be present (as has occurred previously) and from people smoking. The activity would mainly be concentrated towards evening times when it would also be most perceptible to neighbouring residents.
- 10.14 The unit is reasonably well separated from the nearest residential properties with it being located in the north east corner of the mill site and with other parts of the building providing some physical separation. The car park does however abut a dwellinghouse to the south.
- 10.15 The applicant has indicated a willingness to restrict any use of the function area to the same hours as the tasting room and the proposed hours of use, which would have a closing time of 11pm, are considered acceptable to Environmental Services. The premises have been operating for approximately seven months with twelve temporary events having been held so far and it is noted that Environmental Services have not advised of any noise complaints having been received.
- 10.16 Limiting the number of patrons visiting the site at any one time would also help to moderate the extent of activity associated with the tasting room/function area and thereby mitigate the residential amenity impacts. The applicant estimates that the maximum number of people the venue could accommodate is 200 although the applicant has not yet obtained a premises licence under which the Fire Service would seek to limit the number of visitors on safety grounds. The absence of a premises licence makes it more difficult for officers to recommend a maximum number but officers consider that 150 people (excluding staff) would be reasonable and would mean that the extent of activity would be commensurate to the location. It is likely that visitors to the tasting room would generally be well below this level and the imposition of this maximum figure would help to ensure that the tasting room remained an ancillary aspect of the business.
- 10.17 Officers are of the opinion that a restriction on the opening hours and the total number of visitors at any one time would be sufficient to mitigate the impact of the tasting room and function area to an acceptable degree. These matters can be conditioned.
- 10.18 The brewery opening hours are 8am to 5pm Monday to Friday and this does not give rise to any concerns.
- 10.19 Environmental Services have raised a concern about the potential for odour from the brewing process affecting residential premises in the vicinity and as such have suggested that details of the extract ventilation system be submitted for approval. The applicant has responded and stated that "there is

an extraction system in place for some minor odour coming from the fermenter during brewing time, however it unlikely to be noticeable more than a few meters away from the unit". Brewing has been taking place for a number of months and no odour complaints have been received although it is still considered prudent to require details of the extraction by condition. There is nothing to suggest that hot food would be prepared within the building and so there would not be a requirement for a food extraction unit.

- 10.20 The application is considered to comply with Policies BE1 and EP6 of the UDP and guidance in the NPPF.

Highway issues

- 10.21 The existing access track is via Heath house Lane, serving a mixed use industrial development. The width of the access is approximately 4.9m along its full length with a passing place midway.
- 10.22 The applicant has advised that inbound deliveries are brought by a 3.5 tonne van once every two weeks with other small stock and packages brought by car. Outbound deliveries are by a 3.5 tonne van that leaves and returns two to three times a week. A rigid body truck collects pallets once a month.
- 10.23 Supporting information indicates that the site is accessible by public transport with nearby bus stops on Slades Road and Bolster Moor Road with the bus service extending late into the evening.
- 10.24 The applicant has access to a car park area that is shared with some of the other businesses within the mill. The main demand for parking associated with the proposal would be in the evening time and on Saturdays when the demand from the other businesses would be at its lowest.
- 10.25 Highways Development Management consider the proposed access and car parking arrangements to be acceptable. Furthermore there is adequate turning space within the site for deliveries and waste collection. Refuse will be stored at the location currently in use.
- 10.26 It is not considered that the development would give rise to any significant highway safety impacts and the application is considered to comply with Policies T10, T19 and BE1 of the UDP.

Representations

- 10.27 Two representations have been received - one in support and one raising an objection.
- 10.28 The concerns raised relate to the impact on residential amenity and specifically noise, disturbance, safety and unsociable behaviour – particularly as a result of late opening times and alcohol being involved. Concerns have also been raised with people accessing the site on foot in front of the houses adjacent to Bank End Road which is not a public right of way.
- 10.29 In consultation with Environmental Services the noise impacts have been considered and it has been concluded that any impact would be acceptable provided that the opening hours are restricted.

- 10.30 In terms of safety and anti-social behaviour, the Police Architectural Liaison Officer has been consulted and no objections have been raised.
- 10.31 The use of private land to gain access to the site could not be controlled through this application.
- 10.32 In the circumstances officers do not consider that the grounds of objection could be substantiated.

Other matters:

- 10.33 No external alterations are being proposed and therefore there are not any visual amenity considerations.
- 10.34 The site lies within the Green Belt and the application relates to the re-use of an existing building that is of permanent and substantial construction. The development would not harm the openness of the Green Belt or prejudice the purposes of including land in Green Belt and it is therefore considered that the proposals satisfy chapter 9 of the NPPF.
- 10.35 The application involves change of use of existing premises with an established light industrial (B1) use and Policy B4 of the UDP is therefore relevant. The proposals would however result in an alternative employment use that is based around a light industrial process and as such it is considered that the aims of Policy B4 would not be unduly prejudiced.

11.0 CONCLUSION

- 11.1 The principle of a brewery with (ancillary) tasting room and a function area is considered to be acceptable on this site and would not result in any significant detrimental residential amenity or highway safety impacts. This is subject to a restriction on the hours of use of the tasting room and function area and the maximum number of number of visitors attending at any one time.
- 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. 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. Development in accordance with approved plans
2. Restriction on hours to those proposed within the application.
3. Restriction of number of visitors to the tasting room/function area at any one time (excluding staff) to a maximum of 150.
4. Details of existing extract ventilation system for brewing process

Background Papers:

Application and history files.

Website Link:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f92286>

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