

# Public Document Pack



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

**Julie Muscroft**

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Please ask for: Richard Dunne

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Wednesday 22 November 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 30 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, 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

#### **Liberal Democrat**

J Lawson  
A Marchington  
L Wilkinson

# Agenda

## Reports or Explanatory Notes Attached

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**Pages**

**1: Membership of the Committee**

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

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**2: Minutes of the Previous Meeting**

1 - 6

To approve the Minutes of the meeting of the Committee held on 2 November 2017.

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**3: Interests and Lobbying**

7 - 8

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

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**4: Admission of the Public**

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

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**5: Deputations/Petitions**

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

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

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## **6: Public Question Time**

The Committee will hear any questions from the general public.

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## **7: Site Visit - Application No: 2017/93326**

Outline application for erection of residential development (62 dwellings) and formation of new access to Woodhead Road Land off Woodhead Road, Brockholes, Holmfirth.

(Estimated time of arrival at site – 9.40am)

Contact Officer: Matthew Woodward

### **Wards**

**Affected:** Holme Valley North

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## **8: Site Visit - Application No: 2017/91888**

Change of use, alterations and extensions to former mill buildings to form mixed use development comprising of food manufacturing, cookery school, cafe, shop, restaurant, cooking demonstration/tasting areas and management offices/suite. Outdoor seating areas, service yard, parking and associated landscaping works Woodlands Mill, Luke Lane, Thongsbridge, Huddersfield.

(Estimated time of arrival at site – 9.55am)

Contact Officer: Neil Bearcroft, Planning Services

### **Wards**

**Affected:** Holme Valley South

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## **9: Site Visit - Application No: 2017/92958**

Alteration and extension to community and recreation centre and mosque with ancillary residential accommodation, car parking, landscaping and revised boundary treatment including demolition of existing outbuilding Baitul Tauhid Mosque, Spaines Road, Fartown, Huddersfield.

(Estimated time of arrival at site – 10.30am)

Contact Officer: Nick Hirst

### **Wards**

**Affected:** Greenhead

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## **10: Site Visit - Application No: 2016/92298**

Outline application for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8). Former North Bierley Waste Water Treatment Works, Oakenshaw.

(Estimated time of arrival at site – 11:00am)

Contact Officer: Farzana Tabasum

### **Wards**

**Affected:** Cleckheaton

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## **11: Site Visit - Application No: 2017/92997**

Erection of 70 (over 55) retirement apartments comprising of four blocks, provision of a community building, electricity substation and laying out of internal roads, parking areas and greenspace and associated infrastructure. Lidl, Station Road, Mirfield.

(Estimated time of arrival at site – 11:30am)

Contact Officer: Matthew Woodward

### **Wards**

**Affected:** Mirfield

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## **Planning Applications**

9 - 12

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

Please note that any members of the public who wish to speak at the meeting must register to speak by 5.00pm (for phone requests) or 11:59pm (for email requests) by no later than Monday 27 November 2017.

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

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

**12: Planning Application - Application No: 2017/91888** 13 - 42

Change of use, alterations and extensions to former mill buildings to form mixed use development comprising of food manufacturing, cookery school, cafe, shop, restaurant, cooking demonstration/tasting areas and management offices/suite. Outdoor seating areas, service yard, parking and associated landscaping works Woodlands Mill, Luke Lane, Thongsbridge, Huddersfield.

Contact Officer: Neil Bearcroft, Planning Services

**Wards**

**Affected:** Holme Valley South

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**13: Planning Application - Application No: 2017/93205** 43 - 52

Development of a 20MW synchronous gas powered standby generation plant Land off Bradford Road, Rear of Batley Frontier, Batley.

Contact Officer : Glenn Wakefield

**Wards**

**Affected:** Batley East

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**14: Planning Application - Application No: 2017/92958** 53 - 64

Alteration and extension to community and recreation centre and mosque with ancillary residential accommodation, car parking, landscaping and revised boundary treatment including demolition of existing outbuilding Baitul Tauhid Mosque, Spaines Road, Fartown, Huddersfield.

Contact Officer : Nick Hirst

**Wards**

**Affected:** Greenhead

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**15: Planning Application - Application No: 2017/92997** 65 - 86

Erection of 70 (over 55) retirement apartments comprising of four blocks, provision of a community building, electricity substation and laying out of internal roads, parking areas and greenspace and associated infrastructure. Lidl, Station Road, Mirfield.

Contact Officer: Matthew Woodward

**Wards**

**Affected:** Mirfield

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**16: Planning Application - Application No: 2017/93326**

87 - 106

Outline application for erection of residential development (62 dwellings) and formation of new access to Woodhead Road Land off Woodhead Road, Brockholes, Holmfirth.

Contact Officer: Matthew Woodward

**Wards**

**Affected:** Holme Valley North

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**17: Position Statement - Planning Application: 2016/92298**

107 -  
128

Outline application for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8). Former North Bierley Waste Water Treatment Works, Oakenshaw.

Contact Officer: Farzana Tabasum

**Wards**

**Affected:** Cleckheaton

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### **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: Andrea Woodside

## KIRKLEES COUNCIL

### STRATEGIC PLANNING COMMITTEE

**Thursday 2nd November 2017**

Present: Councillor Steve Hall (Chair)  
Councillor Bill Armer  
Councillor Carole Pattison  
Councillor Andrew Pinnock  
Councillor Nigel Patrick  
Councillor Mohan Sokhal

**1 Membership of the Committee**

Councillor Patrick substituted for Councillor D Firth.  
Councillor Sokhal substituted for Councillor Kane.

**2 Minutes of the Previous Meeting**

**RESOLVED** – That the Minutes of the meetings held on 7 September and 5 October 2017 be approved as correct records.

**3 Interests and Lobbying**

No declarations were made.

**4 Admission of the Public**

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

**5 Deputations/Petitions**

No deputations or petitions were received.

**6 Public Question Time**

No questions were asked.

**7 Site Visit - Application No: 2017/92286**

Site visit undertaken.

**8 Site Visit - Application No: 2017/91213**

Site visit undertaken.

**9 Site Visit - Application No: 2017/90143**

Site visit undertaken.

**10 Site Visit - Application No: 2017/92743**

Site visit undertaken.

**11 Local Authority Planning Appeals**

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

**RESOLVED** - That the report be noted.

**12 Planning Application - Application No: 2017/90443**

The Committee gave consideration to Application 2017/90443 – Erection of 3 units for B1 (light industrial) and B1 use, erection of two storey office and alterations to existing building at Ratcliffe Mills, Forge Lane, Thornhill Lees, Dewsbury.

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

**RESOLVED** – That authority be delegated to the Head of Strategic Investment to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- the standard time limit for implementation of permission (3 years)
- development to be carried out in accordance within approved plans
- no development on the buildings superstructure until samples of facing and roofing materials have been approved
- no occupancy until 2.4m x 43m site lines have been provided at the access
- no occupancy until access radii indicated have been implemented
- no occupancy until areas to be used by vehicles have been surfaced, sealed and parking spaces marked out
- land set aside for potential cycle route link not be developed or permanently obstructed
- the submission of a scheme providing drainage details for the site before development commences
- the submission of a surface water management scheme before development commences
- the floor levels of the development to be above 39.96 AOD
- the implementation of an intrusive contaminated land survey
- the submission of a site remediation strategy if required
- implementation of site remediation strategy if required
- submission of remediation validation if required
- the submission of a scheme detailing how noise sensitive properties are to be protected
- all windows on western elevation of the office building to be non-opening and obscurely glazed
- no occupancy until details of extract ventilation systems have been approved
- no occupancy until details of refuse bin storage areas have been submitted and agreed
- the installation of electric vehicle charging points
- the submission of a low emissions travel plan
- the submission and approval of a landscaping scheme (including maintenance arrangements) the submission of a scheme indicating how the suite will be artificially lit

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;  
For: Councillors Armer, S Hall, Patrick, Pattison, A Pinnock and Sokhal (6 votes)  
Against: (no votes)

- 13 Planning Application - Application No: 2017/91213**  
The Committee gave consideration to Application 2017/91213 – Extraction of minerals and subsequent reclamation to agriculture land to east of Arborary Lane and north of Whitehead Road, Crosland Moor.

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

**RESOLVED –**

- 1) That authority be delegated to the Head of Strategic Investment to approve the application, issue the decision notice and complete the list of conditions including matters relating to;
  - Time limit: (i) standard condition requiring implementation of permission within 5 years of date of approval and (ii) condition requiring development to be completed by 31 December 2037
  - Plans: (i) copy of planning permission and all approved documents to be available at all times at the site (ii) development to be carried out in accordance with complete accordance with approved plans and (iii) a condition to deal with the prior cessation of development
  - Access: (i) all vehicular access to be taken from Arborary Lane (ii) requirement to provide wheel washing facilities on site (iii) limit on HGV movements at the site to 25 in and 25 out (iv) scheme detailing the vehicle passing places on Arborary Lane and Nopper Road (v) provision of access and sight lines prior to development being brought into use (vi) provision and agreement of a vehicle management plan and (vii) provision of a highway inspection regime
  - Land Stability: condition requiring the submission of a geotechnical stability assessment
  - Working Programme: (i) condition and requiring construction specification for screen mounds (ii) condition requiring the construction of screen mounds prior to commencement of mineral extraction (iii) condition requiring site to be worked in accordance with approved phasing plans (iv) condition requiring that the extraction void is not worked below approved topographical levels (v) requirement to provide an annual report regarding mineral extraction and backfilling operations (vi) requirement to maintain monthly records of mineral extracted (vii) no discharge of foul or contaminated water into existing water regimes (viii) drainage to pass through appropriate settlement ponds or similar system (ix) screen hedge around overburden storage area to be planted within first planting season following approval of planning permission and (x) overburden stored above ground not to exceed 2m in height from surrounding ground level
  - Soil stripping and storage: (i) no soil stripping until a scheme has been agreed to protect brown hare and ground nesting birds (ii) topsoil and subsoil to be stripped separately prior to mineral extraction (iii) soils to be stripped in dry weather conditions (iv) condition requiring details of the quantities of soils stripped and (v) soil storage mounds to be grass seeded
  - Restoration: (i) submission of a detailed site restoration scheme and (ii) submission of an ecological enhancement centre
  - Soil replacement: (i) final backfill levels to be 500mm below final site level in order to accommodate soils (ii) spreading of soils to be carried out in dry conditions (iii) areas to receive soils to be ripped to relieve compaction and all objects larger than 75mm to be removed (iv) top soils to be spread on restored areas to appropriate depths (v) 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 (vi) requirement to carry out remedial works

## Strategic Planning Committee - 2 November 2017

should the grass swards fail within two months of any restoration being completed a plan to be submitted to the MPA indicating extent and nature of restoration

- Aftercare: (i) condition requiring the submission of an outline aftercare scheme (ii) condition requiring the implementation of the outline aftercare scheme (iii) requirement to provide an annual aftercare programme and (iv) requirement to organise an annual aftercare site meeting to review progress
  - Protection of amenity: (i) hours of operation restriction 07:30 to 18:00 Monday to Friday, and 07:30 to 13:00 on Saturday (ii) noise level restrictions as measured from noise monitoring locations (iii) noisy operations allowed for eight weeks per year only to be carried out between 09:00 to 17:30 Monday to Friday, and 09:00 to 12:30 on Saturday (iv) no crushing or screening to take place at the site (v) all plant and machinery to be operated and maintained in accordance with manufacturers specifications (vi) proposed vehicle reversing systems to be submitted and approved by the MPA (vii) no blasting to be carried out (viii) submission of a noise monitoring scheme (ix) submission of a noise suppression scheme (x) prior to any excavation commencing, a clean supply of water shall be installed at the site (xi) submission of a dust suppression scheme (xii) suppression of a dust monitoring scheme (xiii) the site shall not be used for the storage of plant or equipment not directly associated with the operation of the quarry (xiv) removal of permitted development rights to erect buildings, plant or machinery etc.
  - Cultural heritage: (i) condition requiring archaeological assessment to be carried out prior to the development commencing and (ii) the MPA to be notified of and archaeological finds during operation of the site.
- 2) That authority be delegated to the Head of Strategic Investment to secure a S106 Agreement to cover the following matters;
- the provision and maintenance of passing places along Arborary Lane and Nopper Road
  - linking the restoration of the airfield extension the construction and subsequent dedication of the proposed footpath link from Turbid Lane to Arborary Lane
  - the establishment of a Liaison Group
  - the agreement of and subsequent implementation of a formal road cleaning scheme
  - the control of vehicle routing
- 3) That, pursuant to (2) above, in circumstances where the S106 Agreement has not been completed within three months of this decision, the Head of Strategic Investment shall be authorised to consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured, and would therefore be permitted 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, Patrick, Pattison, A Pinnock and Sokhal (6 votes)  
Against: (no votes)

**14 Planning Application - Application No: 2017/90143**

The Committee gave consideration to Application 2017/90143 – Outline application for residential development at land adjacent to Lockwood Scar, Huddersfield.

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

**RESOLVED** – That authority be delegated to the Head of Strategic Investment to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- standard outline conditions relating to submission of reserved matters, implementation of reserved matters, reserved matters submission time limit and reserved matters implementation time limit
- highways
- ecology
- drainage
- affordable housing (if reserved matters exceeds 11 dwellings)
- crime prevention
- noise report
- contamination reports

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;  
For: Councillors Armer, S Hall, Patrick, Pattison, A Pinnock and Sokhal (6 votes)  
Against: (no votes)

**15 Planning Application - Application No: 2017/92923**

The Committee gave consideration to Application 2017/92923 – Formation of temporary car park (retrospective) at land off Gasworks Street, Huddersfield.

**RESOLVED** – That authority be delegated to the Head of Strategic Investment to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- approved plans
- use to cease two years from the date of the decision notice
- highways conditions relating to the phasing of development and management
- development to be carried out in full accordance with flood risk assessment
- details of CCTV
- the access/egress of the car park using St Andrew's Road must be managed at all times when in use during stadium events and enforced by the stadium traffic management plan
- a scheme for the detailed design of the pedestrian improvements to St Andrew's Road/Gasworks Street signal junction (consented as part of HDOne and installation to accommodate the safe movement of pedestrians
- a car park operation plan detailing spaces, uses, charging and control measures within two months
- a scheme detailing CCTV and lighting scheme to address safety and crime with two months
- a scheme detailing the location and cross sectional information for all proposed construction works adjacent to the existing private boundary wall along Gas Works Street/St Andrews Road including any modifications to it shall be submitted to and approved by the Highway Authority in writing. The approved scheme shall be

## Strategic Planning Committee - 2 November 2017

implemented prior to the commencement of the proposed development and thereafter retained during the life of the development

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;  
For: Councillors Armer, S Hall, Patrick, Pattison, A Pinnock and Sokhal (6 votes)  
Against: (no votes)

### 16 **Planning Application - Application No: 2017/92743**

The Committee gave consideration to Application 2017/92743 – Outline application for erection of three dwellings at land adjacent to Upper Blacup Farm, Halifax Road, Hightown, Liversedge.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Mr Laher (in support of the application).

**RESOLVED** – That the application be refused on the grounds that (i) the site is allocated as Urban Greenspace on the Kirklees Unitary Development Plan Proposals Map and the loss of the site is given significant weight (ii) 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 (iii) the loss of the value of the Urban Greenspace is considered to outweigh all other material considerations, including the delivery of new housing and (iv) the application has failed to demonstrate that the ecological impacts of development on the semi natural habitats on the site are acceptable and that 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.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;  
For: Councillors Armer, S Hall, Patrick, Pattison, A Pinnock and Sokhal (5 votes)  
Against: (no votes)  
Abstained: Councillor Sokhal

### 17 **Planning Application - Application No: 2017/92286**

The Committee gave consideration to Application 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.

**RESOLVED** – That authority be delegated to the Head of Strategic Investment to approve the application for a temporary 12 month period, issue the decision notice and complete the list of conditions including matters relating to;

- development in accordance with approved plans
- restriction on hours to those proposed within the application
- restriction on number of visitors to the tasting room/function area at any one time (excluding staff) to a maximum of 150
- details of existing extract ventilation system for brewing process
- noise mitigation strategy
- detailed car parking management scheme for the business

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;  
For: Councillors S Hall, Patrick, Pattison, A Pinnock and Sokhal (5 votes)  
Against: Councillor Armer (1 vote)

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

**LOBBYING**

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

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

## **NOTES**

### **Disclosable Pecuniary Interests**

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

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

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

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

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

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

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

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

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

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

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

### **Lobbying**

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



**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 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.

## **National Policy/ Guidelines**

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

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

## **REPRESENTATIONS**

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

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

## **EQUALITY ISSUES**

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

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

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

## **HUMAN RIGHTS**

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

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

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

## **PLANNING CONDITIONS AND OBLIGATIONS**

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

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

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

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

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

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

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## Report of the Head of Strategic Investment

### STRATEGIC PLANNING COMMITTEE

Date: 30-Nov-2017

**Subject: Planning Application 2017/91888 Change of use, alterations and extensions to former mill buildings to form mixed use development comprising of food manufacturing, cookery school, cafe, shop, restaurant, cooking demonstration/tasting areas and management offices/suite. Outdoor seating areas, service yard, parking and associated landscaping works Woodlands Mill, Luke Lane, Thongsbridge, Huddersfield, HD9 7TB**

### APPLICANT

D & LS Developments  
Ltd, C/O Agent

### DATE VALID

15-Jun-2017

### TARGET DATE

10-Aug-2017

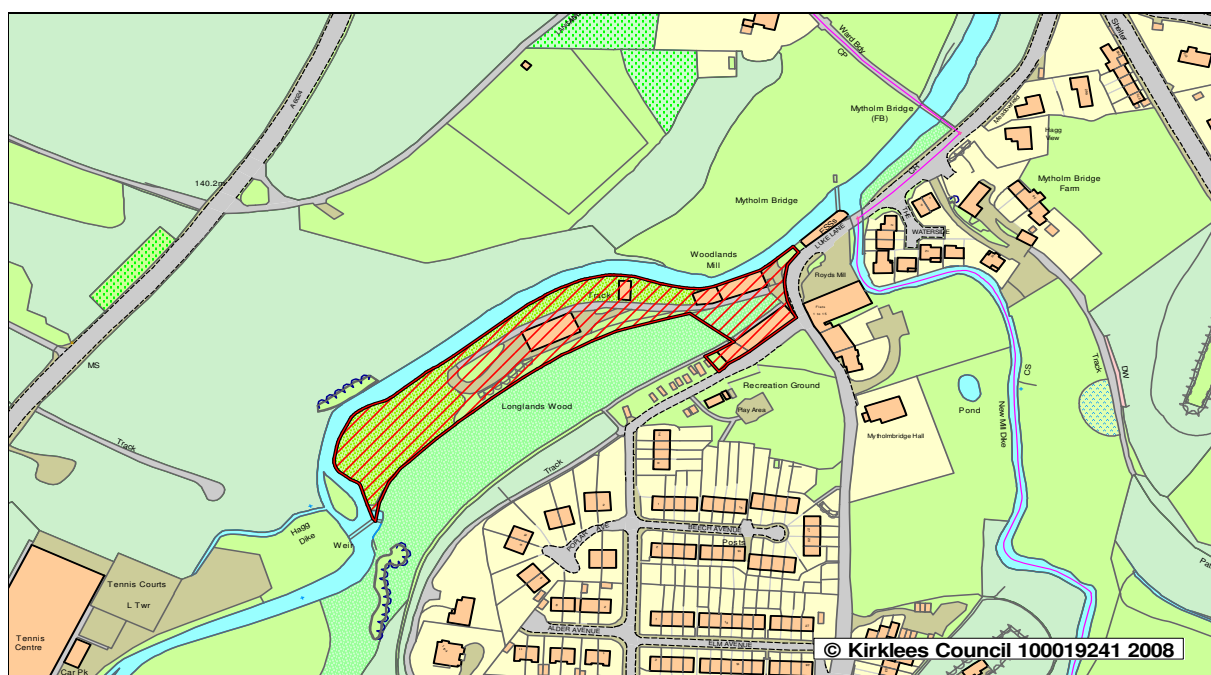
### EXTENSION EXPIRY DATE

05-Dec-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

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**Electoral Wards Affected: Holme Valley South**

Yes

Ward Members consulted  
(referred to in report)

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**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 in accordance with the Delegation agreement, as the proposal represents a non-residential development where the site boundary is over 0.5 hectares.

**2.0 SITE AND SURROUNDINGS:**

2.1 The application site comprises of two existing mill buildings and an area of land located adjacent to the River Holme, Luke Lane and Woodlands Avenue. The buildings on site are constructed from stone with a central point of access which leads from Luke Lane to the rear of the site where a portal framed building is located. The buildings on site are currently vacant having last been used in association with a wood turning business. The building to the north adjacent the river is single storey but with a large roof area, and has been extended to the rear with a lean to roof. The building to the south is located on the corner of Luke Lane and Woodlands Avenue and is two storey to the east, which reduces to single storey following the topography of the site. Running through the site adjacent the building to the south is a public right of way (PRWO) Holmfirth 50. Within and around the site are a number of mature trees and a woodland which have been protected by way of a preservation order.

2.2 Opposite the site to the east is a 3 storey stone mill building which has been converted into residential use. To the south is a recreation ground with residential properties further to the south. To the west is a dense woodland, to the north is a grassed paddock area, and further to the north east is the Holme Valley Camping and Caravan site. Access to the site is via Luke Lane from the north east which leads to the junction with New Mill Road (A616), with Luke Lane and Woodlands Avenue leading to the south with their junction with Miry Lane.

**3.0 PROPOSAL:**

3.1 The application seeks full planning permission for the change of use, alterations and extensions of existing former mill buildings to form mixed use

development comprising of food manufacturing, cookery school, cafe, shop, restaurant, cooking demonstration/tasting areas and management offices/suite. The proposal also includes the formation of a service yard, parking, outdoor seating areas, and associated landscaping works.

- 3.2 The application site consists of works to two distinctive buildings and works to form the parking and services associated with the use of the site. Each of these parts of development have been described below:

#### Northern Building (Phase 1)

- 3.3 The northern building will contain a mix of uses which would include a deli/retail space, deli eatery and a cookery school. The uses within this building would be flexibly laid out to maximise the operation of the building. To facilitate the development of the building it would be extended to the east (front) with a single storey toilet block that would have a mono pitched roof and be 8.4 metres long by 4.3 metres wide. To the west (rear) an existing building would be demolished and a new extension constructed which would have a projection of 14.2 metres from the main body of the existing building and have a maximum width of 8.6 metres. The extension would be the width of the existing building with a step in along its western end to follow the alignment of the road. The roof of the building would also be replaced following the design of the existing but with the provision of additional roof lights and windows. Windows to serve the development would be located along the northern elevation utilising a number of existing openings in the building to remain and forming a larger section of glazing in the western extension. The extensions would be constructed from materials to match and the roof covered in blue slate tiles.

- 3.4 The applicant has confirmed the following hours of use for this part of the development

- Cookery School - 10am – 3pm and 7pm to 8pm
- Deli Retail - 9am to 6pm
- Deli Eatery – 9am to 6pm

#### Access, Parking Layout and Servicing (Phase 1)

- 3.5 The proposal would utilise the existing point of access with a new formal driveway installed adjacent to the northern building that would run along the building to the existing opening where 42 parking spaces would be formed. An additional overflow car park of 53 spaces would also be formed to the rear of the main car park. Access to the site would be gated. To allow for the formation of the car park a new retaining wall would be erected along southern boundary of the access and car park to allow for land levels to be levelled. Servicing and bin storage for the development would be located between the two buildings adjacent to the access road. An area of land would be formed with the erection of retaining walls.

#### Southern Building (Phase 2)

- 3.6 The southern building would contain a second phase cookery school at ground floor level and a restaurant at first floor level. To facilitate the change of use of this building a small extension would be attached to the western end of the building, this extension would be project 5.5 metres from the building

and be 9.5 metres wide. The extension would be constructed from materials to match and would house staff facilities associated with the restaurant operation.

3.7 The applicant has confirmed the following hours of use for this part of the development

- Cookery School - 10am – 3pm and 7pm to 8pm
- Restaurant – 12pm – 3pm and 6pm to 10.30pm

#### **4.0 RELEVANT PLANNING HISTORY:**

4.1 2003/92598 - Change of use of former dye house and wood turning workshop to 11 residential units and associated car parking - Approved

*Adjacent site to the east Royds Mill*

4.2 2003/92859 - Conversion of mill to 15 apartments (modified proposal) – Approved

4.3 2002/94367 - Conversion of mill to 15 apartments - Approved

#### **5.0 HISTORY OF NEGOTIATIONS:**

5.1 Planning and Highway Officers have carried out extensive negotiations with the applicant into the scheme in relation to the scale and design of the proposed development, its impact on trees, ecology and impact on highway safety. In total design amendments were submitted on 3 occasions with further highway information submitted on 3 occasions. The scheme has been reduced in proposed floor space from 1,178 square metres to 885 square metres a reduction of 25%. This reduction has included the removal of a bridge link between the two buildings, and a reduction in the scale of the extensions to the northern building. The layout of the car park and servicing area has also been reduced in order to retain more trees.

#### **6.0 PLANNING POLICY:**

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



- 6.2 The site is located within the Green Belt on the Kirklees Unitary Development Plan (UDP) and Kirklees Publication Draft Local Plan (PDLP). The site is also designated as a Wildlife Habitat Network in the PDLP.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

6.2

- **BE1** – Design principles
- **BE2** – Quality of design
- **BE11** – Materials of construction
- **BE23** – Crime prevention
- **T10** – Highway safety
- **EP4** – Noise sensitive development
- **EP6** – Development and noise
- **EP11** – Ecological landscaping
- **G6** – Land contamination
- **NE9** – Retention of mature trees
- **T10** – Highway Safety
- **T17** – Provision of Cycle improvements
- **T19** – Parking Standards
- **S1** – Town Centre Uses
- **B4** – Change of use of business or industrial sites

Supplementary Planning Guidance / Documents:

6.3

- PLP1 - Presumption in favour of sustainable development
- PLP2 – Place Shaping
- PLP3 – Location of new development
- PLP13 – Town Centre Uses
- PLP21 – Highway Safety and Access
- PLP22 - Parking
- PLP24 – Design
- PLP27 – Flood Risk
- PLP30 – Biodiversity & Geodiversity
- PLP33 - Trees
- PLP51 - Protection and improvement of local air quality
- PLP52 – Protection and improvement of environmental quality
- PLP53 – Contaminated and unstable land
- PLP57 - The extension, alteration or replacement of existing buildings (in the Green Belt)
- PLP59 - Infilling and redevelopment of brownfield sites (in the Green Belt)
- PLP60 -The re-use and conversion of buildings (in the Green Belt)

National Planning Guidance:

6.4

- Achieving Sustainable Development'
- 'Core Planning Principles'
- **Chapter 1** – Building a strong, competitive economy
- **Chapter 2** – Ensuring the vitality of town centres.
- **Chapter 4** – Promoting sustainable transport
- **Chapter 7** – Requiring good design

- **Chapter 9** – Practicing Green Belt land
- **Chapter 10** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 11** – Conserving and enhancing the natural environment
- ‘Decision taking’

## 7.0 PUBLIC/LOCAL RESPONSE:

7.1 In total 27 comments have been received on the application. Of these comments 18 were received to the initial period of publicity with 16 in objection and 2 in support. A further 9 comments have been received with reference to further information and amended plans provided by the applicant. However it should be noted that the scheme was amended again on 10<sup>th</sup> November reducing the scale of the development, though further public consultation has not been undertaken given the reduced scale of the scheme and the timing of the amended plans. Cllr Patrick has also commented on the application as ward member.

A summary of the objections raised to the first round of publicity are set out below:

### Highways

- The local road network is chaotic and Luke Lane forms a main route for school children and cars speed up and down the road. The extra traffic which would be generated by the proposal will cause serious issues and become a real problem for walkers and school children.
- The junction of Luke Lane and New Mill Road (A616) is substandard and can be difficult to use. It should be noted that cars traveling from New Mill cannot use this junction due to its acute angle and layout. Inevitably visitors to the area unfamiliar with the road layout will try to use this junction and find that it is not possible, thereby causing wider highway safety issues.
- The local road network is not of sufficient width for larger vehicles, access to the site via New Mill Road would have to go over a narrow bridge and the roads are only wide and are only wide enough for cars. It should be noted that footways in the local area are limited meaning that pedestrians have to walk in the road.
- The submitted transport assessment details that there have only been 3 recorded accidents in the local area, however local knowledge indicates that there have been a number of minor accidents and the adjacent Royds Mill has been struck a number of times along with the corner of Woodlands Mill (the application site).
- The site is located on a blind bend in the road, next to a children’s play area and it can be difficult to cross the road as there are limited views across the road in places. It is suggested that speed humps could be introduced to slow vehicular traffic down and HGV deliveries to the Mill are limited to 7.5 tonnes vehicles.
- The propose arrangements for sustainable transport are insufficient and the applicant has overstated the local availability of public transport and suitability of the area for walking and cycling. The closest rail station at Brockholes is 1.2km away up a steep hill, a number of bus services don’t start until 9.30 and stop at 4.30 meaning there use in association with this development would be limited.
- The proposal would lead to the loss of a public footbath that runs along the side of the existing buildings. The footpath is used frequently by school

children who use to avoid the roads in the local area (Woodlands Avenue and Luke Lane) as they have no footways.

- The submitted delivery information states that 7.5 tonne lorries will be used, however there is concern that this is unlikely to be the reality given that many sites are served by large articulated vehicles, if such vehicles visited the site they would inevitably park across the site entrance and in part block the use of Luke Lane to the detriment of wider highway safety.
- The submitted transport statement does not detail how the site will be safety developed or how appropriate access for construction vehicles will be achieved for the site.
- The information submitted in respect to the highway impact of the development makes a number of assumptions such as three people traveling in a car, and staff arriving outside of peak hours, however these assumptions could be easily changed and therefore change the highway impact of the proposal could be much greater.
- The submitted transport statement details a traffic count was undertaken by the applicant, however this was located after the junction with Woodlands Avenue which is used by a number of vehicles. It is therefore considered that the traffic count does not represent a true reflection of vehicles movements in the local area. A traffic count undertaken by a local resident indicates that movements are significantly greater than those set out in the submitted Transport Assessment.
- A new cycle route running through the site has been identified by The Holmfirth Transitional Town (HOTT) and this should be secured as part of the development. It is requested that any planning permission secures this provision.

#### Amenity

- This is an unnecessary development that is far too large in a quiet residential area, where there are no commercial uses in the local area as these have all changed to residential uses over recent years. There are concerns that the proposal would introduce a late night noise use that would be noisy and emit strong cooking and food odours that could be detrimental to local amenity.
- There is concern that the site would operate between 7am to 10.30pm 7 days a week which would be to the detriment of local residents. With further disturbance caused by people leaving in cars alter on in the evening after 10.30. Any outdoor seating areas will generate noise and be detrimental to local residents.
- The proposal would lead to detrimental overlooking of properties in Roydmill including some areas of garden space and will lead to the loss of the amenity of future occupiers. Some of the apartments in Royd Mill look directly into the end of Woodlands Mill being only 7 metres away, with the potential to look through windows into the proposed cookery school and restaurant to the detriment of local amenity.

#### Design and Scale

- The proposal is too large and would lead to an industrialisation of the local area as well as dramatically changing the historic character of the host buildings. The proposed bridge link is inappropriate in the local area and would have an adverse impact on the openness of the site and the historic character of the building.

### Green Belt

- The scale of the proposal would be detrimental to the openness of the Green Belt and the extensions proposed would represent a disproportionate addition to the host building. This would be contrary to Green Belt Policy and cause a substantial impact.

### Flooding

- The site is in the flood zone and the Holme Valley has been subject to a number of flooding instances over an extended period. It should be noted that the cellar to the adjacent Royd Mill was flooded in 2007 and 2009.
- The site could be subject to a risk from surface water flooding.
- It should be noted that permission to develop a field opposite was recently refused on flooding grounds.
- Comments of the Environment Agency should be noted and there is concern that the car park area would be detrimental to local flood risk.

### Ecology

- The proposal would lead to the loss of a number of mature trees on a site adjacent to a wildlife corridor. The loss of the trees would have an adverse impact on the local area and would be detrimental to local ecology. The mitigation measures proposed are not considered to represent sufficient mitigation for this loss.
- The site of the application includes a number of areas which are home to a wide variety of protected species, and the proposed use would have the potential to disturb their habitats to the detriment of local ecology.

### Other Matters

- A children's park is located across the road, will the proposal have a detrimental impact on the function of this park?
- The buildings have not been redundant for 15 years with a wood turning business operational until early 2017.

Ward member Cllr Patrick has also made the following comments in respect to the application:

*Just had an initial look and I can see that the Sanderson report does not adequately assess the Luke Lane New Mill Road Junction. Two car parks each for 50 cars tells me they are expecting most people to visit site by car than any other form of transport. I want to know how that junction is going to cope with the extra traffic, especially given the turning area for cars entering Luke Lane from New Mill Road means that Luke Lane is only one cars width at the junction and we often see cars having to reverse back onto New Mill Road into oncoming traffic in order to get down Luke Lane. I cannot see anything in the traffic assessment to suggest any junction improvements needed. Furthermore if there is an increase in pedestrian traffic visiting the site from the New Mill Road end, how are pedestrians expected to cross that road safely? Put more traffic and pedestrians on that junction without any changes and there will be a serious accident, of that I am certain.*

*I trust there will be a site visit. I think it is very important that the committee members experience the poor highway to and from the site and the difficult junction to New Mill Road.*

### In Support

2 comments have been received in support of the application which are summarised as follows:

- This development would be beneficial for the local area and would create jobs and utilise an old abandoned building.
- It would be good if the cookery school could work with local schools to encourage children to get into the food sector.
- Welcome to Yorkshire support the proposal which would be of benefit to the district of Kirklees and the Holme Valley.

9 representations have been received from the additional publicity. A number of the comments made reiterate the concerns set out above. A summary of the new points raised are set out below.

- Objections previously stated should be carried forward.
  - The mix of uses is considered to remain inappropriate for the site which is in a residential and rural area and would have an adverse impact on the amenity of the occupiers of Royds Mill.
  - The use of obscure for windows in the end of the mill is welcomed to help reduce overlooking from the restaurant.
  - The new transport statement is flawed and does not provide a fair reflection of the highway situation in the local area. Luke Lane is used as a 'rat run' and any further use would be detrimental to highway safety.
  - The traffic count used in transport statement was taken at the very end of the school term time (last week) when a number of secondary school children have already left thus reducing the numbers of vehicles.
  - The extra traffic generation figures are considered to be inaccurate and would need to be much higher in reality to generate the required income to make the proposal financially viable. This is reflected in the scale of the car park which provides 75 spaces, thereby highlighting the potential for large movements to and from the site.
  - The development of this site offers an opportunity to provide an off road link from Huddersfield to Holmfirth which should be secured by the development.
- **Holme Valley Parish Council** – support the application

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

**KC Highways Development Management** – no objection, comments made.

**Environment Agency** – no objection, comments made.

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

**KC Public Rights of Way** – Objects due to potential impact on footpath from new entrance and lack of information in relation to retaining works adjacent to the footpath.

**KC Arboricultural Officer** – Objects due to removal of protected trees.

**KC Environmental Services** – No objection subject to condition

**KC Ecology** – no objection, comments made.

## **9.0 MAIN ISSUES**

- Green Belt
- Loss of Business Uses
- Retail Use and Location
- Trees
- Flood Risk and Drainage
- Highway Safety and Public Rights of Way (PROW)
- Design
- Amenity

## **10.0 APPRAISAL**

10.1 The application site is located within the Green Belt, partly within Flood Zones 2 and 3, and would lead to the loss of a number of trees protected by way of preservation order. The proposal would lead to the loss of an business/industrial use at the site, and the development forms a main town centre use in an out of centre location. The principle of developing the site therefore needs to be assessed against these key considerations. Other important matters for assessment are the impact of the proposal on highway safety, amenity, design, ecology and all other material planning considerations, including representations received on the application.

### Green Belt

10.2 The principle of the developing a site in the Green Belt site which needs to be assessed against its impact on the openness of the Green Belt, and in relation to Policies set out in Chapter 9 of the NPPF and Policies PLP 57, 59 and 60 of the PDLP.

10.3 Chapter 9 of the NPPF advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and sets out the five purposes of Green Belt. Paragraph 87 sets out that inappropriate development should not be approved except in very special circumstances, and paragraph 88 details that '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.

10.4 The application seeks the change of use and extension of existing buildings at the site and the change of use of land to form parking and servicing associated with the development. Paragraph 89 details that the construction of new buildings represents inappropriate development. However exceptions to inappropriate development can include the extension or alteration of a building provided that it does not result in disproportionate addition. Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land) can also be an exception to inappropriate development, provided they would not have a greater impact on the openness of the Green Belt and the purpose of including land within it. These exceptions are also reflected in Policy D11 of the UDP and Policies PLP57 and 59 of the PDLP.

10.5 Furthermore paragraph 90 of advises that certain forms of development are not inappropriate provided they preserve the openness of the Green Belt and

do not conflict with the purposes of including land within it, of which the encroachment into the countryside is most relevant. Such developments include the re-use of buildings provided that the buildings are of a permanent and substantial construction and engineering operations. Policy PLP60 reflects the advice in paragraph 90 but provides further detail regarding other impacts on the Green Belt.

- 10.6 The application site is considered to form a previously developed (brownfield) site as it was last used in association with a wood turning business and is currently occupied by a number of different buildings which are of substantial construction. The submitted planning statement has detailed that the site has been vacant for 15 years (though it is noted the representations cite more recent use) with previous attempts to redevelop the site having failed with an application from 2003 for residential development not being implemented.
- 10.7 The extensions and alterations to the northern building would be more substantial than the southern, with the northern building having the roof replaced, and extensions to the front and rear. The southern building would only be extended to the west with a relatively small extension. The engineering operations would allow for the formation of a widened access, new servicing and a new car park.
- 10.8 With regards to the extensions to the northern building, the reroofing works to this building would increase the overall ridge height of the building by 0.6 metres, but would retain its existing shape and form. The modest increase in roof ridge height is not considered to be detrimental to the openness of the Green Belt and would retain its distinctive appearance which is prominent in the local area. The extension to the front of the building whilst having a large projection at 8.4 metres would be narrow occupying less than half the width of the building and only be 4 metres high. The design of this extension with its lean to roof would allow the design and appearance of the existing building to be retained. The extension to the rear would replace an existing mono pitched structure which would be demolished and would be of a similar projection. Whilst the extension would be higher than the existing structure with a dual pitched roof it would remain set down from the roof of the main building and form the main entrance to the building.
- 10.9 The extensions and alterations to the northern building are considered to represent a redevelopment of this previously developed site which would not have a greater impact on the openness of the Green Belt, and would not conflict with the purposes of including land within the Green Belt. The extensions and alterations would allow the existing shape and form of the building to be retained, whilst also providing modern accommodation to facilitate its change of use. This part of the scheme would therefore accord with paragraph 89 of the NPPF and Policy PLP9 of the PDLP.
- 10.10 The extension to the southern building is considered to be small in scale and would be subservient to the host building. The extension would have a projection of 5.5 metres and the roof height of the extension would be set lower than the existing. It is therefore considered that this extension would not have a detrimental impact on the openness of the Green Belt. This element of the development would therefore accord with Policy D11 of the UDP, paragraph 89 of the NPPF and Policy PLP57 of PDLP.

- 10.11 The works to form the improved access to the site would utilise the existing access between the two buildings, which would be widened to allow for the two way flow of vehicle traffic into and out of the site, with a service yard formed off the main point of access. The widening of the access and formation of service yard would represent an engineering operation and it is considered that such works would have a limited impact on the openness given their position between the two buildings. It is not considered that the works would have a detrimental impact on the purposes of including the land within the Green Belt and would therefore accord with paragraph 90 of the NPPF.
- 10.12 The works to form the car park would be located within the area of land which previously formed an outside storage area associated with the sites previous use. It is acknowledged that the change of use of this land to a car park would alter how it functions and its wider appearance. In terms of openness it is considered that the proposal would lead to some loss of openness and it is considered that the car park operation would be more intensive than the previous storage use. The change of use of land to form the car park is therefore considered to represent an inappropriate development in the Green Belt.
- 10.13 It is however acknowledged that to facilitate the change of use of the site, a car park of a reasonable size is necessary and use of the land to the west of the building represents a practical option which connects well with the existing buildings. Whilst it is considered that there would be some limited harm to the openness of the Green Belt, this impact is reduced by the sites location in an area of woodland where wider views of the site are shielded by tree cover. It is noted that the site has been vacant or in low use of a substantial period of time with previous attempts to develop the site having failed, and the current proposal would provide wider economic and tourism benefits to the local area. It is also acknowledged that the works to extend and change the use of the buildings are considered to accord with Green Belt Policy, and that the access point to the site and therefore to the car park would achieve acceptable sightlines. It is therefore considered that when these factors are combined, that overall they represent very special circumstances for the formation of the car park that out way the harm by reason of inappropriateness and any other harm.
- 10.14 In summary the proposal is considered to have acceptable impact on the openness and character of the Green Belt and would lead to the redevelopment of a brownfield site. Very special circumstances are considered to have been demonstrated for the formation of the car park and the proposal would provide a long term use for the site and existing buildings.

#### Loss of Business Uses

- 10.15 The application site currently represents a vacant business/industrial use and therefore for the loss of this use needs to be considered against policy B4 of the UDP, and Policies in Chapter 1 of the NPPF. The applicant has set out that buildings on site have been vacant for approximately 15 years with no prospect of returning them into a business/industrial use. The applicant has also highlighted that the site has previously benefited from planning permission for residential development on the site, and that the proposed use would retain employment with 16 members of staff employed. Although some limited use may have taken place of the site until recently as set out in the



representations given the points raised by the applicant in relation to loss of business and industrial sites it is considered that the proposal would not harm employment provision in the local area.

### Retail Use and Location

- 10.16 The proposed retail and food uses represent a main town centre use, and the site is located in an out of centre location. The closest local centres are Brockholes approximately 900 metres to the north and New Mill approximately 2.1 km to the south. The closest town centre being Holmfirth approximately 2.5 km to the south west.
- 10.17 A sequential assessment has been submitted with the application in accordance with the requirements of paragraph 24 of the NPPF, Policy S1 of the UDP and policy PLP13 of the PDLP. The sequential assessment has detailed that the applicant requires a site which is in the order of 0.45 to 0.5 hectares in size, and the catchment for the development is the Holme Valley South Ward. The applicant has set out that the proposed development seeks to in part build on the local tourist industry whilst also serving local residents with a unique food related offer. A detailed business plan has been submitted with the application which sets out the anticipated operation of the business. The criteria set out above has for the most part has been accepted by Officers, however the requirement for an overall site area of 0.5 hectare is in part questioned, though it is acknowledged that a floor space of around 1,000 square metres is required for the mix of uses to operate.
- 10.17 The submitted sequential assessment considered in centre opportunities assessing Holmfirth Town Centre in April 2017 noting that 4 buildings were available which included, units in the Riverside Shopping Centre, Woodhead Road; the former tourist information centre, Woodhead Road; the former HSBC bank, Victoria Street and Bamforths Mill, Station Road. Of the 4 sites the first three are significantly below the scale required, with the last site currently unavailable and is being actively developed. It is noted that planning permission 2015/91697 for the site was passed in May 2016 which permitted a mix of retail, office and residential uses.
- 10.18 In terms of out of centre sites, 8 undeveloped locations were assessed, however all of these sites are currently unavailable or of insufficient size, either having planning permission for alternative uses or are in the process of seeking permission for other alternative uses.
- 10.19 In light of the information provided, Officers considered that the sequential assessment has been sufficiently passed. It is noted that there are no available opportunities within Holmfirth town centre where the development could be located, with the only possible site Bamforth Mills currently being developed for different uses. The 8 out of centre locations are currently not available or provide insufficient space to meet the requirements of the applicant, and there are no available edge of centre locations.
- 10.20 It is noted that the scheme has been amended through the course of the application to reduce the scale of the proposal to 885 square metres, however the scale of the development still remains large in terms of the availability of buildings in the Holme Valley South Ward and it considered that even with a reduced size development, the proposal would passed the sequential assessment. It is noted that there may be potential to change the

use of the buildings under permitted development that could potentially allow for a greater retail element. To prevent this and in the interests of protecting Holmfirth Town Centre it is considered appropriate to limit the scale of retail provision at the site. The applicant's agent has agreed to a maximum limit of 250 square metres which can be conditioned.

### Trees

- 10.21 The application site is located in an area of woodland and the trees within the site have been protected by a tree preservation order (TPO) through the course of the planning application. The application has been assessed by the Councils Arboricultural Officer and against Policy NE9 of the UDP, Policy 33 of the PDLP and Policies in Chapter 11 of the NPPF. The application has been accompanied by a tree survey and method statement, though these have not been updated to reflect the amended scheme. To facilitate the development the proposal would lead to the loss of 8 mature trees covered by the TPO, and the Arboricultural Officer has formally objected to the proposal on the grounds of loss of protected trees.
- 10.22 Whilst the proposal would lead to the loss of mature trees within the site this represents an improvement of the originally proposed scheme where 12 trees were to be lost, including a large tree adjacent the car park area. The amended scheme has retained 3 trees at the site frontage which would of wider benefit to visual amenity and the retention of a mature tree which has bat roost potential. The main section of trees to be lost are to form the access and servicing yard associated with the development.
- 10.23 The loss of trees is contrary to Policy NE9 of the UDP and Policy 33 of the PDLP, however these requirements needs to be balanced against the wider benefits of bringing a currently vacant building within the Green Belt back into a long term viable use. As set out above, the amendments to the scheme have aided in the retention of number of key trees at the site which will also help in the functioning of the woodland and have wider ecological benefits. It is also acknowledged that the trees were not protected before the application was submitted, and the applicant has worked with Officers to amend the scheme to find ways to allow for the retention for some of the trees, whilst also providing sufficient space for the proposed uses.
- 10.24 Whilst the loss of tree is contrary to policy, the applicant has advised that additional planting would be provided at the site to help mitigate the loss of trees, along with other wider ecological mitigation measures as set out later in this report. These mitigation measures whilst not fully mitigating against the loss of the mature trees, would go some way to retain and improve biodiversity at the site and these details can be secured by planning condition. Given that key trees would be retained at the site frontage and within the site, combined with the wider benefits of the scheme, the loss of 8 protected trees is on balance considered to be acceptable.
- 10.25 To ensure that works to the protected trees which are to remain are carried out to the necessary standard and the trees are protected through construction phase and in the long term, a new Arboricultural method statement will be conditioned. A landscaping scheme will also be conditioned to ensure that additional planting to aid mitigation of the tree loss is of an appropriate species and in an appropriate location.

## Flood Risk and Drainage issues

- 10.26 The application site is located within Flood Zones 1, 2 and 3a and 3b, and located on top of the riverbank of the River Holme and has been submitted with a site specific flood risk assessment. The application has been assessed by the Environment Agency (EA) and in relation to Policy PLP27 of the PDL and policies in Chapter 10 of the NPPF.
- 10.27 In terms of flood zones, only a small section of the northern building is located within Flood Zone 2 (medium probability) with the rest of the building, the service yard and the southern building all located in flood zone 1 (low probability). The land to the west which would form the car park to the development is however located within flood zones 2 (medium probability) and 3a (highest probability), with a small section adjacent to the river on the most western end of the red line boundary in 3b (functional flood plain). Given that the application represents a change of use no sequential assessment is therefore required.
- 10.28 Turning to specific flooding matters the proposed mixed retail and restaurant uses are considered to represent a less vulnerable use, with the cookery school forming an education use, and therefore a more vulnerable use under table 2 of the NPPG on flood risk. Such uses are considered to be appropriate uses within flood zones 1 and 2 as set out in Table 3 of the NPPG on flood risk. The change of use of land to form a car park also needs to be considered in flood risk terms, and whilst not explicitly stated in table 2 of the NPPG, the car park use is also considered to represent a less vulnerable use. The car park would be located in Flood Zones 2 and 3 and such uses are also considered to be appropriate as set out in Table 3. The small section of functional flood plain would remain undeveloped, and unaffected by this proposal.
- 10.29 The EA raise no objection to the proposal however they have proposed a condition that no buildings are located within the functional flood plain and that more vulnerable uses are not located within flood zone 2 or 3. Whilst this request for the condition is noted, the plans for the development have significantly changed from originally proposed, and it is considered that such a condition is not reasonable or necessary. More vulnerable uses represent appropriate uses within flood zone 2 as set out in the NPPG and the proposed building in the functional flood plain has now been removed from the plans.
- 10.30 The EA has advised that the LPA give consideration to flood warning and an evacuation plan for the site. These comments are noted by Planning Officers, and the submitted FRA has detailed that the occupants should sign up to the EAs flood warning line. This requirement will be attached as a note on the decision, but given the majority of the built form of the development is outside of the flood zones, with only the car park in zones 2 and 3 it is not considered necessary to require any further information in this instance. The EA have also advised that flood resilient construction techniques are considered in the development of the site. However as nearly all the buildings to be converted/extent ended lie outside of the flood zone no further information is required on this matter. A note will however be attached to the decision notice advising the applicant to consider such techniques.
- 10.31 With respect to drainage, the submitted application form details that foul water would be disposed of by connection to the main sewer and surface water will

be disposed by main sewer and into an existing watercourse. These arrangements are considered to be acceptable in principle with the only surface water leading into the main sewer being that from the existing buildings where there is already a connection. Surface water from the car park would be drained to the adjacent River Holme, however to ensure that the details are acceptable, specific details for the drainage of the car park will be conditioned along with details of its final surfacing. It is noted that an existing public sewer crosses the site in the proposed car park area, however given that no buildings are proposed in this location it is not considered that the proposal would have a detrimental impact on the sewer. A condition stating that no buildings or other obstructions should be located over or within 3 metres of the sewer can be used to protect the sewer.

- 10.32 In conclusion the proposal is considered to have an acceptable impact in terms of flood risk and surface water drainage.

#### Highway Safety and Public Rights of Way (PROW)

- 10.33 The highway and PROW impact of the development has been assessed against Policies T10, T17, T19 and R13 of the UDP, Policies PLP20, 21, 22 of the PDL and Policies in the NPPF. The application has been submitted with a Transport Assessment which has been amended and further information provided on 3 separate occasions. The application has been assessed by the Highways and Public Rights of Way Officer as PROW Holmfirth 50 runs adjacent the southern building.
- 10.34 Vehicular access to the site would be via Luke Lane which to the north joins the A616 (New Mill Road), and to the south connects with Woodlands Avenue and continues on to Miry Lane/Springwood Road. In terms of public transport, bus stops are located off Luke Lane and Woodlands Avenue within 400 metres. The proposal would provide 42 formal parking spaces, with 53 overflow spaces provided to west of the site.
- 10.35 In terms of highway assessment the mix of different uses has been considered separately and as a whole in terms of the anticipated traffic that they would generate, and direction from where they would travel. The applicant has provided predications of the anticipated vehicles movements to and from the site setting out that they consider the following will occur, along with the anticipated hours of use for the different uses in the buildings.

<b>Phase 1 - Northern Building</b>		
	<b>Opening Hours</b>	<b>Vehicle Generations</b>
Cookery School	10:00 – 15:00 & 19:00 – 20:00	12 Before and after each class
Deli – Retail	09:00 – 18:00	20 two way per hour
Deli – Eatery	09:00 – 18:00	26 two way per hour
<b>Phase 2 - Southern Building</b>		
Cookery School	10:00 – 15:00 & 19:00 – 20:00	23 before and after each class
Restaurant	12:00 – 15:00 & 18:00 – 22.30	32 patrons vehicles per sitting

- 10.36 Highway Officers have considered the above information along with information set out in the various submitted transport assessments and consider that the assumptions set out above are reasonable. It is also noted

that a large proportion of the traffic generated by the development would occur outside of peak hours, with the main peak impact occurring from the deli retail and eatery, with 46 two way movements predicted. In terms of direction of travel, it is anticipated that 55% of this will be from the A616 (New Mill Road to the north east), 30% from the A635 (New Mill Road to the south) and 15% from A6024 (Woodhead Road to the east). This would equate to approximately 25 vehicles onto the A616 via Luke Lane (1 vehicle every 2.4 minutes), approximately 14 vehicles onto the A635 via Heys Road and or Springwood Road (1 vehicle every 4.3 minutes) and approximately 7 vehicles onto the A6024 via Miry Lane (1 vehicle every 8.6 minutes).

- 10.37 Historic traffic flows have also been obtained from the 2011 Transport Assessment for the Proposed Tesco Food Store off New Mill Road, Holmfirth from planning application 2011/93163 to compliment data gained from a traffic count on Luke Lane. This information has been used by applicant's highway consultant to argue that the proposed development would represent only a small increase in terms of numbers of vehicles using the local network.
- 10.38 Based on these surveyed flows the calculated generations attributed to the development, the proposed use could result in a 2.2% increase in traffic on the A616 / Luke Lane / Thurstonland Bank junction; a 0.5% increase in traffic on the A6024 / Miry Lane / Thong Lane junction and either a 1.8% increase in traffic on the A635 / Heys Road junction or a 1.7% increase in traffic on the A635 / Springwood Road junction.
- 10.39 Applicant's highway consultant also considers that whilst it is appreciated that the A616 / Luke Lane / Thurstonland Bank junction is not ideal, in practice the junction operates with a good safety record. Although the proposal increases its use, a significant proportion of the movements would be outside of peak hour, with only a 2.2% increase in the evening peak hour.
- 10.40 The above predications in terms of traffic generation have been considered by Highways Officer who accepts the arguments put forward and consider on balance that the proposed development would have an acceptable impact on local highway safety. An hours of use condition (discussed in the amenity section of this report) restricts the operation of the southern building to after 10am, which would ensure that the restaurant and cookery school could only operate after the peak hour. No such restriction has been placed on the northern building as it is not considered that such a condition would pass the 6 tests given the flexible layout of the building. However as set out above the amount of retail floor space would be restricted to 250 sq metres which would help to limit any highway impact of such a use. Whilst it is acknowledged by Officers that the junction of Luke Lane and the A616 is not ideal, the increase in traffic using the junction from the proposed development is considered relatively small and there are no real options for improvements to the junction whilst allowing the free flow of traffic on the A616. The proposal is therefore on balance considered to have an acceptable impact on highway safety in terms of traffic generation.
- 10.41 Turning to other highway matters, the application would provide 42 formal spaces with overall space for a further 53, providing 95 in total. This level of parking is considered to be more than adequate for the proposed use and the development would accord with the parking requirements set out in the UDP and PDLP. Access to the site would be via the existing point of access which would be widened to allow two way traffic with servicing located between the

two buildings. Based on the speed surveys undertaken appropriate sight lines for the development can be achieved. The car park achieves an acceptable functional layout, though no details of surfacing are provided, this can be secured by condition. The plans detail that cycle parking would be provided at the site, though no specific details are provided with the application, this however can be secured by condition. It is noted that the site is located within proximity to a number of bus services, though only limited weight is given to their use given the frequency and limitation on the times of the service. Consideration has been given to the need for a travel plan for the development, however given the mix of uses proposed which operate at different times of day, the sites location and the reduced scale of development, in this instance it is not considered that a travel plan is required for the development. It is also considered appropriate to condition a construction management plan is submitted to ensure that construction traffic entering the site is via appropriate routes. In addition there is concern that if the buildings use changed to have a larger retail offer then this would have the potential to increase movements in the local area. After discussions with the applicant's agent it has been agreed that a condition limiting the retail offer at the site to a maximum of 250 square metres would sufficiently mitigate this concern and can be secured by condition.

- 10.42 Turning to pedestrian safety PROW Holmfirth 50 runs along the edge of the southern building within the site and is frequently used by pedestrians given the limited number of footways in the immediate area. The application has been assessed by the PROW Officer who has objected to the application.
- 10.43 The PROW officer has stated that the main pedestrian entrance to the southern building and a "service entrance" open directly onto the public footpath Holmfirth 50. The footpath approaches Luke Lane in a narrow, confined area conflicting with the proposed use of the main entrance. The proposed 'entrance piazza' appears to be on a different level from the footpath with (apparently) a separating wall close to the main entrance to the southern building.
- 10.44 New site sections to match the new amended drawing submissions have not been submitted. Previous drawings appear to suggest the excavation of areas to the north of the footpath for vehicle use. Details of any retaining structures supporting the public footpath should be submitted and approved, with subsequent controls over construction and retention. This could be done via planning condition, with appropriate trigger points, and it is suggested that highways structures section is consulted and involved throughout.
- 10.45 No detail about proposed works to the public footpath appears to have been submitted. In the absence of amended submissions, any consent should include a condition for works to, and affecting, the public footpath. This includes surfacing, level, retaining etc. Improvement of the public footpath appears reasonable and appropriate in connection with the development, potentially encouraging pedestrian access to facilities instead of motor vehicle access.
- 10.46 A scheme for the protection, of users of footpath 50, and of footpath 50 itself, should be required by condition. Submission, agreement, implementation and retention of the scheme should be controlled by condition. This scheme may include, signing, guarding, loading/unloading areas, operational practices, route surveys, ongoing repair and maintenance etc.

- 10.47 The above comments from PROW are noted by Planning Officers, and it is acknowledged that the PROW provides an important local footpath link for local residents and school children. PROWs main concerns relate to the potential conflict which could occur from the new main entrance and a service entrance to the southern building. Planning Officers have considered this issue in detail and discussed alternative options with the applicant. In terms of alternative positions the eastern end where the current access is positioned is on the same level as the adjacent highway and either utilising this access could lead to visitors stepping onto the highway, or building this level up which would narrow the carriageway, neither of which would not be in the best interests of wider highway and pedestrian safety. An entrance on the southern side would be difficult to access given the lack of footways in the local area. In light of this the northern side represents the only practical position for the new access. It is acknowledged that conflict could occur between users of the PROW and visitors to the southern building. The applicant has sought to reduce this potential concerns by enlarging the entrance piazza to the north of the building, thereby helping to reduce any conflict.
- 10.48 The service access onto the PROW would be used infrequently and Planning Officers do not consider that its use would be significantly harmful to the users of the PROW. Details in relation to cross sectional drawings of the retaining works that impact on the PROW can be secured by condition, along with the other points raised by the PROW Officer. In light of the above subject to planning conditions the proposal is considered to have an acceptable impact on the PROW.

### Design

- 10.49 The overall design of the development needs to be considered in relation to Policies BE1, BE2, BE11 and BE23 of the UDP, Policy PLP24 of the PDLP and Policies in Chapter 7 of the NPPF.
- 10.50 The scheme has been amended on a number of occasions to reduce the scale of the development in Green Belt terms and also to improve its impact on the character and appearance of the local area. The amended design is considered to ensure that the extensions to the buildings would be subservient to the host properties and would also ensure that the character of the existing buildings and the wider local area are retained. Existing windows openings would be utilised in the southern building with additional roof lights installed. The northern building would have more extensive changes, but would utilise existing openings where possible as well as providing additional roof lights and a glazed lantern/roof feature. The extensions would be constructed from natural stone to match that used in the host properties and the roof for the northern building covered in blue slate, and the extension on the southern building covered in artificial stone slates. The car park and servicing area has a functional layout in design terms and is shielded from wider views by the tree cover ensuing that it has a more limited impact on the character of the local area.
- 10.51 The design of the extensions are considered to be acceptable and to ensure that the materials are appropriate to the local context the submission of details will be conditioned. Subject to this condition the proposal would accord with the design policies set out above.

## Residential Amenity, Pollution and Contamination

- 10.52 The impact of the development on residential amenity and contamination needs to be considered in relation to Policies EP4, EP6 and G6 of the UPD and Policies PLP 51, 52 & 53 of the PDLP and policies in Chapter 11 of the NPPF. The application has also been considered by the Councils Environmental Services Officer.
- 10.53 With regards to residential amenity the closest residential properties to be potentially affected by the proposal are the 15 apartments at Royds Mill to the east of the site. Other properties in the local area within proximity to the site are those at the Waterside further to the east, properties off Luke Lane to the south, and dwellings off Woodlands Avenue, Beech Avenue and Poplar Avenue further to the south.
- 10.54 Apartments in Royds Mill at their closest are within 7 metres of the eastern end of the southern building and some share window to window relationships. Other properties in the Mill have windows, balconies and small enclosed garden areas which face the River Holme to the north and offer wider views of the application site and the northern building. Given the proximity of Royds Mill it is considered that occupiers of these apartments would be most impacted on by the development. It is however acknowledged that the buildings on the site currently exist and there has been a long established relationship between the two buildings. The amended scheme has also significantly reduced the potential impact on the occupiers of Royds Mill by removing the previously proposed bridge link. To mitigate the direct window to window relationship of the southern building and Royds Mill the windows in the mill will be conditioned to be obscurely glazed. This has been shown on the submitted plan for the first floor windows, however it is considered necessary for the ground floor as well and this can be secured by condition.
- 10.55 In terms of wider impact on residential amenity, the other surrounding properties are located at a distance of approximately 50 metres; however it is acknowledged that the site's operation would increase general activity in the local area with more comings and goings and the operation of the site would in itself generate a level of noise. Given the scale of the development and in particular the parking and servicing area it is likely that artificial lighting would be required at the site which can also cause a level of disturbance to local residents.
- 10.56 Environmental Services do not raise any objections on noise grounds provided that the hours of use for the site are controlled. However they have recommended conditions which restrict the hours of use for each of the proposed uses. The layout of the development has been amended a number of times through the course of the application and the northern building includes the cookery school, deli retail and deli eatery all in one flexible space. It is therefore considered that it would be difficult to enforce hours of operation for the different uses if they were occurring within the same space. It is however considered acceptable that the hours of use for each building could be controlled via condition along with deliveries to and from the site. This is also considered to be an acceptable approach for the southern building given that two uses would occur in this building. The hours of use will be conditioned as follows:



Northern Building: Not open to customers outside of the hours of 0900 to 2000.

Southern Building: Not open to customers outside of the hours of 1000 to 2230.

Deliveries: No deliveries to or dispatches from the premises outside the hours 0730 and 2000 Monday to Friday and 0800 and 1800 Saturdays. No deliveries shall take place on Sundays or Bank Holidays.

- 10.57 With regard to lighting, Environmental Services have recommended that a lighting scheme is conditioned as part of the consent. Such details can be secured by condition and are considered appropriate given the close proximity of adjacent residential properties.
- 10.58 In terms of contamination, a Phase I contaminated land report has been provided with the application the findings of which has been accepted by Environmental Services, though further investigations are required. This further investigation work can be secured by planning condition. The environment agency have made comment in relation to land contamination however these relate to comments and such matters can be adequately addressed via standard contaminated land conditions.
- 10.59 Given the proposed food uses that would occur at the site it is likely that extract ventilation systems would be required to serve both the northern and southern buildings. Currently no details of such systems have been provided by the applicant however Environmental Services raise no objection to this subject to a condition requiring the submission of such details. It is also acknowledged that other plant may be required to serve the development such as air condition units which would also potentially generate sources of noise. To control this impact a condition can secure the submission of details of any other plant.
- 10.60 Environmental Services has also considered the application in terms of air quality impact and assessed the proposal in respect of the West Yorkshire Low Emission Strategy (WYLES). It is acknowledged that the proposed development would generate a level of traffic to the local area, and a large number of visitors to the site would visit by private car. In order to mitigate against this impact the WYLES advises that electric charging points should be installed in 10% of spaces or initially 5%. The car park provides 42 spaces and the provision of 10% would equate to 4 spaces with 5% 2 spaces. Given the scale of development proposed it is considered that the provision of 2 spaces would be sufficient and this can be secured by planning condition.
- 10.61 Subject to the conditions set out above the proposal is considered to have an acceptable impact on residential amenity, pollution and contamination and would accord with the policies set out above.

### Ecology

- 10.62 The Ecological impact of the development has been assessed by the Councils Ecologist and in relation to Policies set out in Chapter 11 of the NPPF and PLP30 of the PDLP. The application site is located adjacent to the River Holme which forms a wildlife habitat network. The application has been

submitted with a number of different ecological reports which has highlighted that there is a wide variety of local ecology which need to be protected and wherever possible enhanced. The submitted plans have also been amended on a number of occasions in order to reduce the proposals impact on local ecology. The site also has large areas of Japanese Knotweed which is an invasive species and requires removal.

- 10.63 The submitted surveys have been accepted by the Councils Ecologist though the Ecologist has requested that additional work is required to set out a detailed ecological mitigation plan for the whole site. This additional work has been requested by Planning Officers before determination however the applicant has sought a decision on the application based on the information provided.
- 10.64 Officers have considered the request of the applicant and whilst it would be preferable to have such mitigation measures up front it is not considered that the proposal would have a detrimental impact on protected species. The applicant's agent has provided a summary of the ecology matters for the site, and it is considered on balance that this extra information can be secured by planning conditions.
- 10.65 The conditions would need to provide specific details for a number of matters which include the following:
- A mitigation strategy to prevent light spill onto the River Holme corridor from the windows on the northern side elevation of the northern building in hours of darkness. The River Holme represents a key route for bats in the area which are sensitive to light, and light spill on to this corridor would potentially have an adverse impact on the bats. Mitigation could be in the form of internal shuttering, however a scheme of details is required to ensure that these measures are implemented and operated throughout the use of the building.
  - A lighting strategy for the whole site. This is required to ensure that lighting of the site does not disturb local ecology such as bats which are light sensitive. The car park area would need to be lit by low level lighting only, with other areas of artificial lighting limited, therefore specific details are required. As set out in the amenity section of this report details of lighting would be required to protect amenity, but this would also be in the interest of local ecology.
  - A landscaping/ecological design strategy to detail the ecological enhancements which would be provided by the development to mitigate the tree loss (as set out above in the Trees section), the impact of the car park and the development as a whole on local ecology. The strategy would also need to set out a long term management plan for the landscaping/ecological enhancements. The strategy would also need to set out how Japanese knotweed at the site would be dealt with.
- 10.66 Subject to the conditions set out above detailing ecological mitigation measures the proposal is considered to have an acceptable impact on local ecology, and would accord with the policies set out above.

## Representations

10.67 In total 27 comments have been received on the application, a response to the points raised is set out below:

### 10.68 Highways

- The local road network is chaotic and Luke Lane forms a main route for school children and cars speed up and down the road. The extra traffic which would be generated by the proposal will cause serious issues and become a real problem for walkers and school children.
- The junction of Luke Lane and New Mill Road (A616) is substandard and can be difficult to use. It should be noted that cars traveling from New Mill cannot use this junction due to its acute angle and layout. Inevitably visitors to the area unfamiliar with the road layout will try to use this junction and find that it is not possible, thereby causing wider highway safety issues.
- The local road network is not of sufficient width for larger vehicles, access to the site via New Mill Road would have to go over a narrow bridge and the roads are only wide and are only wide enough for cars. It should be noted that footways in the local area are limited meaning that pedestrians have to walk in the road.

**Response:** As set out above the proposal is not considered to cause a detrimental impact to highway safety. The applicant has provided information to demonstrate that the development would lead to only a small percentage increase in the traffic through the surrounding junctions which is deemed to be acceptable. Whilst it is noted that footways in the local are limited it is not considered that this development would further add to highway or pedestrian safety concerns.

- The submitted transport assessment details that there have only been 3 recorded accidents in the local area, however local knowledge indicates that there have been a number of minor accidents and the adjacent Royds Mill has been struck a number of times along with the corner of Woodlands Mill (the application site).

**Response:** The available accident data records concur with that set out in the transport assessment. Whilst minor accidents may occur these are not considered to be significantly detrimental to highway safety.

- The site is located on a blind bend in the road, next to a children's play area and it can be difficult to cross the road as there are limited views across the road in places. It is suggested that speed humps could be introduced to slow vehicular traffic down and HGV deliveries to the Mill are limited to 7.5 tonnes vehicles.
- The propose arrangements for sustainable transport are insufficient and the applicant has overstated the local availability of public transport and suitability of the area for walking and cycling. The closest rail station at Brockholes is 1.2km away up a steep hill, a number of bus services don't start until 9.30 and stop at 4.30 meaning there use in association with this development would be limited.

**Response:** It is noted that public transport options to the site are somewhat limited given the sites position and the hours of use for different parts of the development. Therefore a robust assessment of private vehicular born traffic has been carried out with for the proposal. In addition cycle parking would be secured by the development along with electric vehicle charging points to help encourage low carbon transport options.

- The proposal would lead to the loss of a public footpath that runs along the side of the existing buildings. The footpath is used frequently by school children who use to avoid the roads in the local area (Woodlands Avenue and Luke Lane) as they have no footways.

**Response:** The proposal would not lead to the loss of the footpath which would be retained by the development.

- The submitted delivery information states that 7.5 tonne lorries will be used, however there is concern that this is unlikely to be the reality given that many sites are served by large articulated vehicles, if such vehicles visited the site they would inevitably park across the site entrance and in part block the use of Luke Lane to the detriment of wider highway safety.

**Response:** The delivery arrangements for the site are considered to be acceptable given the scale of the development. Any deliveries to the site would need to accord with the highway code with respect to parking/blocking roads.

- The submitted transport statement does not detail how the site will be safety developed or how appropriate access for construction vehicles will be achieved for the site.

**Response:** This point is noted, and a construction management plan will be secured by condition.

- The information submitted in respect to the highway impact of the development makes a number of assumptions such as three people traveling in a car, and staff arriving outside of peak hours, however these assumptions could be easily changed and therefore change the highway impact of the proposal could be much greater.
- The submitted transport statement details a traffic count was undertaken by the applicant, however this was located after the junction with Woodlands Avenue which is used by a number of vehicles. It is therefore considered that the traffic count does not represent a true reflection of vehicles movements in the local area. A traffic count undertaken by a local resident indicates that movements are significantly greater than those set out in the submitted Transport Assessment.

**Response:** This issues has been raised with the applicant, however these pieces of information/assumptions do not represent the only information source which has been used to assess the application. As set out above the proposal is considered to have an acceptable impact on highway safety.

- A new cycle route running through the site has been identified by The Holmfirth Transitional Town (HOTT) and this should be secured as part of the development. It is requested that any planning permission secures this provision.

**Response:** The comments are noted, however the proposal by HOTT does carry any weight in planning terms. Nonetheless, the core walking and cycling network detailed in the PDLP has been reviewed which does not identify the site for any such route. The application does however include a nature walk adjacent the river and PROW Holmfirth 50 would be retained by the development.

#### 10.69 Amenity

- This is an unnecessary development that is far too large in a quiet residential area, where there are no commercial uses in the local area as these have all changed to residential uses over recent years. There are concerns that the proposal would introduce a late night noise use that would be noisy and emit strong cooking and food odours that could be detrimental to local amenity.
- There is concern that the site would operate between 7am to 10.30pm 7 days a week which would be to the detriment of local residents. With further disturbance caused by people leaving in cars alter on in the evening after 10.30. Any outdoor seating areas will generate noise and be detrimental to local residents.

**Response:** The scale of the development has been reduced by 25% through the course of the application, and the hours of use will be conditioned as set out above. The proposals impact on residential amenity is considered to be acceptable. No formal outdoor seating areas are proposed within the plans, however if any were formed these would also be subject to the restrictions on the hours of use.

- The proposal would lead to detrimental overlooking of properties in Roydmill including some areas of garden space and will lead to the loss of the amenity of future occupiers. Some of the apartments in Royd Mill look directly into the end of Woodlands Mill being only 7 metres away, with the potential to look through windows into the proposed cookery school and restaurant to the detriment of local amenity.

**Response:** The comments are noted and as set out above, windows in the eastern end of the southern building will be conditioned to be obscurely glazed.

#### 10.70 Design and Scale

- The proposal is too large and would lead to an industrialisation of the local area as well as dramatically changing the historic character of the host buildings. The proposed bridge link is inappropriate in the local area and would have an adverse impact on the openness of the site and the historic character of the building.

**Response:** The design of the development has been significantly amended since these comments, and the amended scheme is considered to overcome these concerns.

#### 10.71 Green Belt

- The scale of the proposal would be detrimental to the openness of the Green Belt and the extensions proposed would represent a disproportionate addition to the host building. This would be contrary to Green Belt Policy and cause a substantial impact.

**Response:** The design of the development has been significantly amended since these comments, and the amended scheme is considered to overcome these concerns.

#### 10.72 Flooding

- The site is in the flood zone and the Holme Valley has been subject to a number of flooding instances over an extended period. It should be noted that the cellar to the adjacent Royd Mill was flooded in 2007 and 2009.
- The site could be subject to a risk from surface water flooding.

- It should be noted that permission to develop a field opposite was recently refused on flooding grounds.
- Comments of the Environment Agency should be noted and there is concern that the car park area would be detrimental to local flood risk.

**Response:** As set out above the proposal is considered to have an acceptable impact on flood risk. Whilst it is noted that flooding instances have occurred within the local area over recent years the building subject to the works are for the most part outside of the flood zone. From reviewing planning records the field opposite has not been subject to a refusal.

#### 10.73 Ecology

- The proposal would lead to the loss of a number of mature trees on a site adjacent to a wildlife corridor. The loss of the trees would have an adverse impact on the local area and would be detrimental to local ecology. The mitigation measures proposed are not considered to represent sufficient mitigation for this loss.

**Response:** As set out above the loss of trees is on balance considered to be acceptable when considered with the wider planning benefits of the proposal.

- The site of the application includes a number of areas which are home to a wide variety of protected species, and the proposed use would have the potential to disturb their habitats to the detriment of local ecology.

**Response:** It is acknowledged that there is a wide variety of ecology in the local area and all the necessary reports to assess the impact have been submitted and accepted by the Councils Ecologist. As set out above various mitigation measures will be conditioned to limit the impact in the long term.

#### 10.74 Other Matters

- A children's park is located across the road, will the proposal have a detrimental impact on the function of this park?

**Response:** The proposal would not impact on the function of the park which is separated from the site.

- The buildings have not been redundant for 15 years with a wood turning business operational until early 2017.

**Response:** The length of time which the buildings have been operational for is not a direct planning related concern. It is acknowledged that the buildings have been used in recent years, but the use has not been particularly intensive.

#### 10.75 Ward member Cllr Patrick has also made the following comments in respect to the application:

*Just had an initial look and I can see that the Sanderson report does not adequately assess the Luke Lane New Mill Road Junction. Two car parks each for 50 cars tells me they are expecting most people to visit site by car than any other form of transport. I want to know how that junction is going to cope with the extra traffic, especially given the turning area for cars entering Luke Lane from New Mill Road means that Luke Lane is only one cars width at the junction and we often see cars having to reverse back onto New Mill Road into oncoming traffic in order to get down Luke Lane. I cannot see anything in the traffic assessment to suggest any junction improvements needed. Furthermore if there is an increase in pedestrian traffic visiting the site from the New Mill Road end, how are pedestrians expected to cross that road safely? Put more traffic and pedestrians on that junction without any changes and there will be a serious accident, of that I am certain.*

*I trust there will be a site visit. I think it is very important that the committee members experience the poor highway to and from the site and the difficult junction to New Mill Road.*

**Response:** These comments are noted, however as set out above the proposal is considered to have an acceptable impact highway safety.

#### 10.76 In Support

- 2 comments have been received which are noted.

#### 10.77 Additional Comments

- Objections previously stated should be carried forward.

**Response:** Noted.

- The mix of uses is considered to remain the inappropriate for the site which is in a residential and rural area and would have an adverse impact on the amenity of the occupiers of Royds Mill.

**Response:** As set out in the main body of the committee report subject to conditions the proposal is considered to have an acceptable impact on the amenity of Royds Mill.

- The use of obscure for windows in the end of the mill is welcomed to help reduce overlooking from the restaurant.

**Response:** Noted.

- The new transport statement is flawed and does not provide a fair reflection of the highway situation in the local area. Luke Lane is used as a 'rat run' and any further use would be detrimental to highway safety.
- The traffic count used in transport statement was taken at the very end of the school term time (last week) when a number of secondary school children have already left thus reducing the numbers of vehicles.
- The extra traffic generation figures are considered to be inaccurate and would need to be much higher in reality to generate the required income to make the proposal financially viable. This is reflected in the scale of the car park which provides 75 spaces, thereby highlighting the potential for large movements to and from the site.

**Response:** The information/assumptions set out in the transport assessment do not represent the only information source which has been used to assess the application. As set out above, the proposal is considered to have an acceptable impact on highway safety.

- The development of this site offers an opportunity to provide an off road link from Huddersfield to Holmfirth which should be secured by the development.

**Response:** The comments are noted and the core walking and cycling network detailed in the PDLP has been reviewed which does not identify the site for any such route. The application does however include a nature walk adjacent the river and PROW Holmfirth 50 would be retained by the development.

## 11.0 CONCLUSION

- 11.1 In conclusion to proposal would support the reuse of a redundant brownfield site in the Green Belt providing a new mixed use facility that would serve the local residents of the Holme Valley as well as provide a wider tourist offer. The proposal is on balance considered to have an acceptable impact on

highway and pedestrian safety, and whilst it would lead to the loss of some protected trees the wider planning benefits of the scheme are considered to outweigh this harm. The design of the scheme is considered to have an acceptable impact on local amenity, the character and appearance of the host buildings and wider local area and the proposal is considered to have an acceptable impact on local ecology.

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. Submission of details of materials for extensions and alterations.
4. Submission of details for surfacing and layout of car park areas including details of drainage.
5. Submission of details for the retaining works that are located adjacent to the PRWO.
6. Submission of a scheme for the protection of users of the PRWO.
7. Submission of specific details for cycle parking.
8. Submission of a construction management plan for accessing the site.
9. Submission of an Arboricultural method statement for works to the protected trees.
10. Submission of a landscape/Ecological design strategy to mitigate for the loss of protected trees and to enhance biodiversity at the site and for removal of Japanese knotweed.
11. Implementation of Landscape/Ecological design strategy and management of stagey.
12. Submission of details for a lighting plan at the site including the car park and servicing area.
13. Restriction on the hours of use of the site, northern building 0900 to 2000, southern building 1000 to 2230, deliveries 0730 to 2000 Monday to Friday, 0800 to 1800 Saturdays, no deliveries Sundays and Bank Holidays.
14. Submission of details of extract ventilation to be used at the site, for both phase 1 and 2.
15. Submission of details of any other plant associated with the development for both phase 1 and 2.
16. Obscurely glaze windows on the eastern end elevation at both ground and first floor which look towards adjacent mill.
17. Provision of 2 electric charging points within the car park.
18. Limit retail floor space to 250 square metres.
19. No obstruction of within 3 metres sewer which crosses the site.
- 20-23. Contaminated Land Conditions (4 Conditions)



## Notes

- Advise that the occupier signs up to the Environment Agencies flood warning system.
- Advise that an Environment Agency permit for works on a river bank maybe necessary.
- Advice on flood resilient construction techniques which could be considered.
- Advice on hours of construction.
- Highlight location of Public Right of Way and that it should not be blocked or obstructed.
- Advice regarding contacting for food safety given the proposed use.

## Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f91888>

Certificate of Ownership –Certificate A signed: 26 May 2017

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## Report of the Head of Strategic Investment

### STRATEGIC PLANNING COMMITTEE

Date: 30-Nov-2017

**Subject: Planning Application 2017/93205 Development of a 20MW synchronous gas powered standby generation plant Land off Bradford Road, Rear of Batley Frontier, Batley, WF17 6JD**

#### APPLICANT

Gareth Woodberry,  
Shovel Ready Ltd

#### DATE VALID

15-Sep-2017

#### TARGET DATE

15-Dec-2017

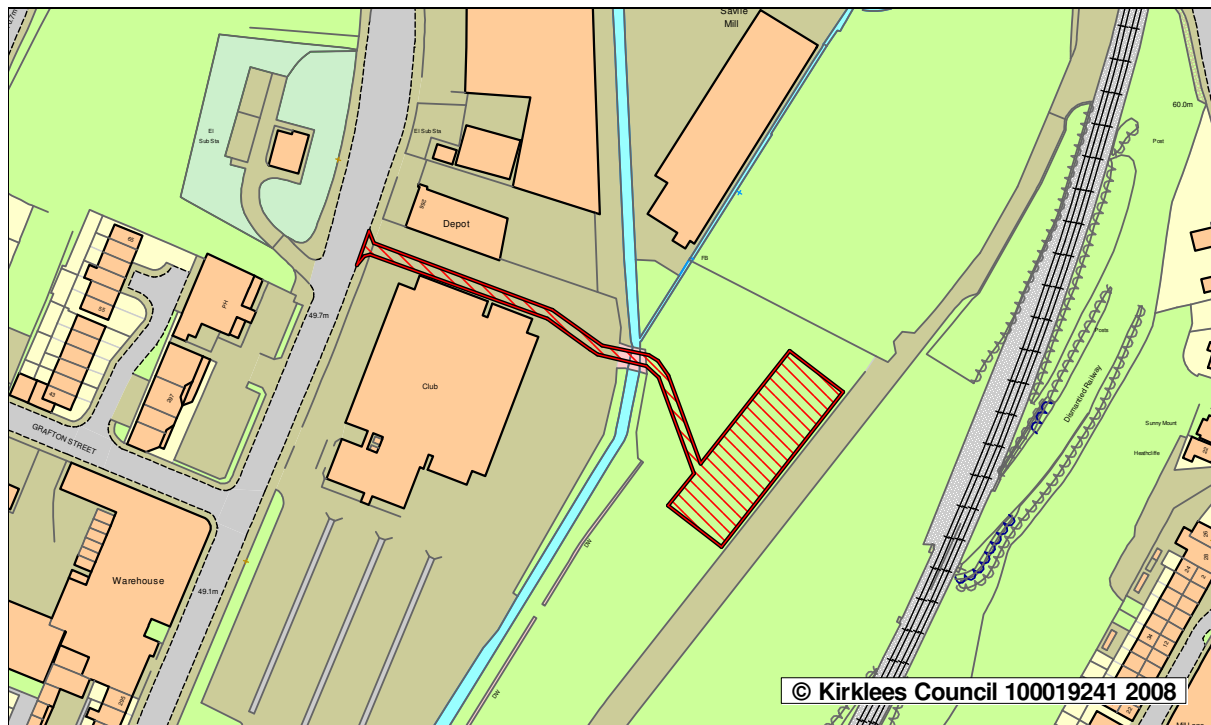
#### EXTENSION EXPIRY DATE

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

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

#### LOCATION PLAN



Map not to scale – for identification purposes only

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**Electoral Wards Affected: Batley East**

Yes

Ward Members consulted  
(referred to in report)

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## **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 planning committee for determination as the proposal involves the generation of more than 5MW of electricity.

### **2.0 SITE AND SURROUNDINGS**

- 2.1 The application site is located approximately 0.5km south east of Batley town centre within an area which is without notation on the proposals map although it falls within a wider regeneration area. The immediate area surrounding the site has a mixed residential/commercial character. Whilst the site is on the periphery of an existing concentration of industrial/commercial uses, residential properties are situated both to the east of the site at a higher level and to the west on the other side of the A652 Bradford road. The main Dewsbury to Leeds railway line runs to the east of the site on an elevated embankment. The site forms part of a hard surfaced yard area measuring approximately 1650m<sup>2</sup> which appears to have been used as an overspill carpark for the former Batley Frontier Club which is now a fitness centre and Gym. A steep vegetated embankment, which includes mature trees, rises to the east of the site towards the railway embankment. Consequently, whilst the nearest residential properties are located approximately 130 metres from the boundary of the site, views of the site from these properties are screened.

### **3.0 PROPOSAL**

- 3.1 The proposal is for the provision of a 20MW synchronous gas powered standby generation plant. Gas would be brought into the site via an underground pipeline to power the generators.
- 3.2 The primary function is to provide electricity to the local distribution network at times of peak demand. This mechanism for balancing the system ensures a sufficient supply of electricity is readily available to local homes and businesses at all times.

- 3.3 The proposed development will primarily respond to calls from National Grid in times referred to as 'stress events' – when the electricity networks' reserve power balance has been reduced due to a surge in demand, or reduced availability of large scale generation (i.e. coal, wind, solar).
- 3.4 Accordingly, when required by National Grid, the facility will be turned on remotely, the gas combusted and the combustion gas would spin a turbine to generate up to 20MW electricity which is exported to the local distribution network via the nearest appropriate substation.
- 3.5 The development comprises the following plant and equipment:
- 8 X 2.5 MW Gensets units located parallel to the access road, along the eastern boundary of the site. The engine containers will be 3.2 metres in height, within an additional 8.3m stack on top of them (totalling 11.5m in height). The engine units will be 15.4m X 3.2m
  - A gas module to the south of the site, 3m x 3m x 2.4m
  - A substation / switch room to the east of the gas module, 6m x 5m x 3m
  - A Transformer to the north of the switch room. This will be 5m x 4.2m x 4.9m
  - The erection of a palisade fence around the perimeter of the site
- 3.6 As the demand from the grid will dictate when this facility will operate, the applicant expects that the facility will generally operate between 07:30 and 20:30 hours. However, there may be occasions when it is required to operate outside these times but the applicant has confirmed this will not be between 23:00 and 07:00.

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 2007/92671 – Erection of Single Storey and first floor extension (approved 14.02.08)

2011/92411 - Change of use of night club to wedding venue/assembly and leisure (approved 23.11.11)

2016/91202 – change of use from nightclub/music venue to gymnasium (approved 22.06.16)

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 N/A

#### **6.0 PLANNING POLICY**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25<sup>th</sup> April 2017, so that it can be examined by an independent

inspector. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Local Plan process the Publication Draft Local Plan is considered to carry considerable weight in the determination of planning applications. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

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

D2 – Development on land without notation on the proposals map

D6 – Development within of adjacent to a green corridor

EP4 – Noise Sensitive Development

EP6 – Assessment of noise generated by development

G6 – Development involving potentially contaminated land

T10 – Highway Safety

T19 – Parking standards

#### 6.3 National Planning Guidance:

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

PLP7 – Efficient and effective use of land and buildings

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 2 site notices in the vicinity of the site the mailing of 2 neighbourhood notification letters and an advertisement in the local press. No representations from members of the public have been received in connection with this proposal.

7.2 Ward members have been consulted on the application

## 8.0 CONSULTATION RESPONSES

### 8.1 Statutory:

K C Highways DM – No objection subject to a planning condition requiring the implementation of vehicle turning facilities prior to the development being brought into use.

The Environment Agency – No objection subject to planning conditions requiring:

- Finished floor levels of any builds (kiosk) are set no lower than 49.89mAOD.
- Flood Resilience and resistance measures will be incorporated into the proposed development as stated in the supporting FRA.

### 8.2 Non-statutory:

K C Environmental Health – No objection subject to planning conditions which require that:

Noise levels from the generators housed within a container do not exceed 65dB(A)  $L_{A,eq(5min)}$  at 1m from the container in any direction.

The generators are not operated outside the hours of 07:00 to 23:00.

Measures are implemented to deal with any contamination not previously identified.

Also indicated that consideration should be given to requiring damage costs with regard to the proposal's effects on air quality.

K C Flood Management – Object as it is considered that the proposed surface water discharge rate is higher than 3l/s and could be reduced further by re-designing the attenuation measures

Northern Gas Networks – No response

## 9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Local amenity issues
- Local Environment
- Highway issues
- Flood Risk & Drainage issues

## 10.0 APPRAISAL

### 10.1 Principle of development

10.2 The site is located within an area which is without notation on the proposals map and it is therefore considered that any development within this area of

Batley should primarily accord with the criteria stipulated in UDP policy D2 and therefore should 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.

10.3 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. However, the emerging local plan does not identify this site for any specific purpose. It is therefore considered that should this proposal be granted planning permission it would not prejudice the implementation of the emerging local plan.

10.4 It is therefore considered that this proposal is acceptable in principle subject to their being no conflict with local policies or national planning policy guidance.

#### 10.5 Urban Design issues

10.6 The development comprises a series of eight 2.5 MW gas powered standby generators which each of which would be sited inside a metal container and include an 8.3m high exhaust stack, a gas module, a transformer and a small sub-station. The area would be enclosed within a metal palisade security fence.

10.7 Whilst this design of this development reflects its use and is purely utilitarian, it is considered that its location is such that it would not appear out of character with the wider surrounding built environment which includes a range of building designs and a variety of tall structures including Mill chimneys, wind turbines and mobile telephone masts.

10.8 Consequently it is considered that this proposal would 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 with regard to design principles.

#### 10.9 Local Amenity issues

10.10 The closest residential properties to the site are located approximately 130m to east off Bromley Street and Mill Lane and approximately 230m to the south



west off Bradford Road. The properties to the east are at a significantly higher level but are screened from the site by a belt of mature trees which limits views from these properties although this screening effect will be reduced when the trees lose their leaves. Having said this the trees would still filter views of the site resulting in the outline of the development being obscured. Existing buildings to the west screen views of the site from residential properties to the west and those properties are unlikely to gain significant views of the development. It is therefore considered that visual amenity of the occupants of those properties would not be significantly affected by this development. Consequently this development accords with UDP policy D2 and Section 7 of the NPPF with regard to its effect on visual amenity

- 10.11 This development would result in the generation of noise when the plant is operating. The applicant has provided a noise assessment in support of the application which has assessed the current noise climate in the area and made predictions regarding the affect this development would have. The noise assessment concludes that this proposal, which would not operate at night, would be able to operate without creating any significant adverse impacts on the closest residential receptors.
- 10.12 Officer's therefore consider that this proposal would accord with UDP policies D2, EP4, EP6, Policy PLP24 of the KPDLP and Section 11 of the NPPF with regard to its potential impact on the nearest noise sensitive properties.
- 10.13 Local environment issues
- 10.14 The site forms part of what was a hard surfaced overspill car park and its potential for wildlife habitat provision is therefore very limited. However, the site is close to the railway line which is identified as a wildlife corridor in the UDP and has been identified in the emerging local plan as part of a local wildlife habitat network.
- 10.15 The development would not physically impinge on the green corridor and due to the nature of its operation, which would be controlled remotely and involve very infrequent visits by members of staff for maintenance purposes, it is considered that this proposal would not detrimentally affect local wildlife using this corridor and would therefore accord with UDP policy D2, KPDLP policy PLP 30 and Section 11 of the NPPF with regard to its potential effect on local ecology.
- 10.16 When operating, this proposal has the potential to affect local air quality through the emission of increased levels of nitrogen dioxide (NO<sub>2</sub>). The applicant has submitted an air quality assessment in support of this proposal which indicates that during an anticipated operation time of 1500 hours per year, NO<sub>2</sub> levels would increase slightly by around 2.2µg/m<sup>3</sup> close to the site. The report concludes that this will only have a negligible to slight adverse impact and is unlikely to cause the annual mean National Air Quality Objective for nitrogen dioxide to be exceeded and as a consequence the effect on air quality will not be significant. Officers consider that this is an accurate assessment of the likely impact of this proposal on air quality.
- 10.17 Consideration has been given to seeking compensation through the development to offset this increase in NO<sub>2</sub> levels but this type of development offers no opportunity to incorporate such measures. Bearing in mind the very slight increase involved and that the overall annual mean

National Air Quality Objective for nitrogen dioxide would not be exceeded, it is considered that this proposal would accord with KPDLP policy PLP 51 and Section 11 of the NPPF with regard to this development's impact on air quality.

- 10.18 Due to the history of the site, it is possible that the site could be contaminated and would therefore require satisfactory remediation during development. The applicant has carried out a Phase 1 contamination report which details a desk top study of the historical uses of the site and a risk assessment based on the proposed future use. It concludes that due to the low sensitivity of the future use, the risk is considered to be negligible.
- 10.19 The report also considers the potential for the future use introducing new contamination onto the site and the measures that will be used to prevent new contamination from occurring. The report assesses that the construction methods which are anticipated would not require significant penetration into the ground. However it also considers the possible need for piles and actions required if unexpected contamination is encountered.
- 10.20 Should planning permission be granted it is proposed to include a planning condition requiring measures to be implemented should unexpected contamination be discovered during construction operations. 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.
- 10.21 Highway issues
- 10.22 The site would be accessed via an existing surfaced road which crosses Batley Beck and would provide parking and turning facilities within the compound area. As the site would be operated remotely vehicle movements to and from the site would be infrequent.
- 10.23 It is considered that, subject to the provision of the proposed parking and turning facilities prior to the development being brought into use, these access arrangements would be satisfactory and the proposal would accord with UDP policies T10 and T19 and KPDLP policy PLP 21 with regard to the potential impact this development would have on the local highway network.
- 10.24 Flood risk and drainage issues
- 10.25 The majority of this site falls within Flood Zone 1 although part of the access, where it crosses Batley Beck, falls within Flood Zones 2 and 3. However, bearing in mind the type of development involved and that the area where the generators would be sited falls exclusively within Flood Zone 1 (low risk of flooding), it is considered that a sequential test assessment is not required in this instance.
- 10.26 The applicant has provided a Flood Risk Assessment in support of this application which concludes that the proposed development would be operated with minimal risk from flooding and would not increase flood risk elsewhere.

- 10.27 The applicant proposes that surface water would be drained from the site via the nearby Batley Beck and that the proposed surface of the site would be designed to help to attenuate surface water run-off.
- 10.28 However, it is considered that the surface water drainage measures proposed would result in a higher discharge rate than is recommended for this type of development and could be reduced by re-designing site attenuation measures. Having said this, it is considered that this matter could be satisfactorily dealt with by the inclusion of a planning condition requiring the submission of a surface water management scheme prior to development commencing on site.
- 10.29 It is therefore considered that, subject to the inclusion of the aforementioned planning condition, this proposal would accord with KDLP policies PLP27 & 28 and Section 10 of the NPPF with regard to drainage and potential flood risk.

## **11.0 CONCLUSION**

- 11.1 The proposal would provide a useful facility for the generation of electricity at peak times which would help manage demand on the Grid. It is considered that, whilst utilitarian, the design of the proposal is acceptable. Noise generated by the development would not have significant detrimental effects on the nearest sensitive receptors and would result in negligible impacts on air quality in the vicinity of the site. 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. Furthermore it is considered that this proposal would have no significant detrimental impact on the area's local environment.
- 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.
- 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 3 years to implement permission
2. Standard condition requiring development to accord with approved plans
3. No plant to be installed until its colour has been approved.
4. Development not to be brought into use until vehicle turning facilities have been implemented.

5. The implementation of measures to deal with unexpected contamination during construction including the submission, implementation of a site remediation strategy if required and subsequent validation.

6. Condition requiring:

- Finished floor levels of any builds (kiosk) are set no lower than 49.89mAOD.
- Flood Resilience and resistance measures will be incorporated into the proposed development as stated in the FRA.

7. Condition requiring the submission of a surface water management scheme

8. Hours of operation restricted to 07:00 to 23:00 on any day

9. Operation of Generators restricted to no more than 1500 hours per year and the submission of annual report if required to verify

10. The submission of a scheme indicating how the site will be artificially lit to protect local amenity and ensure the protection of local bat populations.

**Background Papers:**

Application and history files.

Website link:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f93205>

Certificate of Ownership – Notice served on site owner 15.09.17

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## Report of the Head of Strategic Investment

### STRATEGIC PLANNING COMMITTEE

Date: 30-Nov-2017

**Subject: Planning Application 2017/92958 Alteration and extension to community and recreation centre and mosque with ancillary residential accommodation, car parking, landscaping and revised boundary treatment including demolition of existing outbuilding Baitul Tauhid Mosque, Spaines Road, Fartown, Huddersfield, HD2 2SD**

#### APPLICANT

Munir Ahmed

#### DATE VALID

31-Aug-2017

#### TARGET DATE

30-Nov-2017

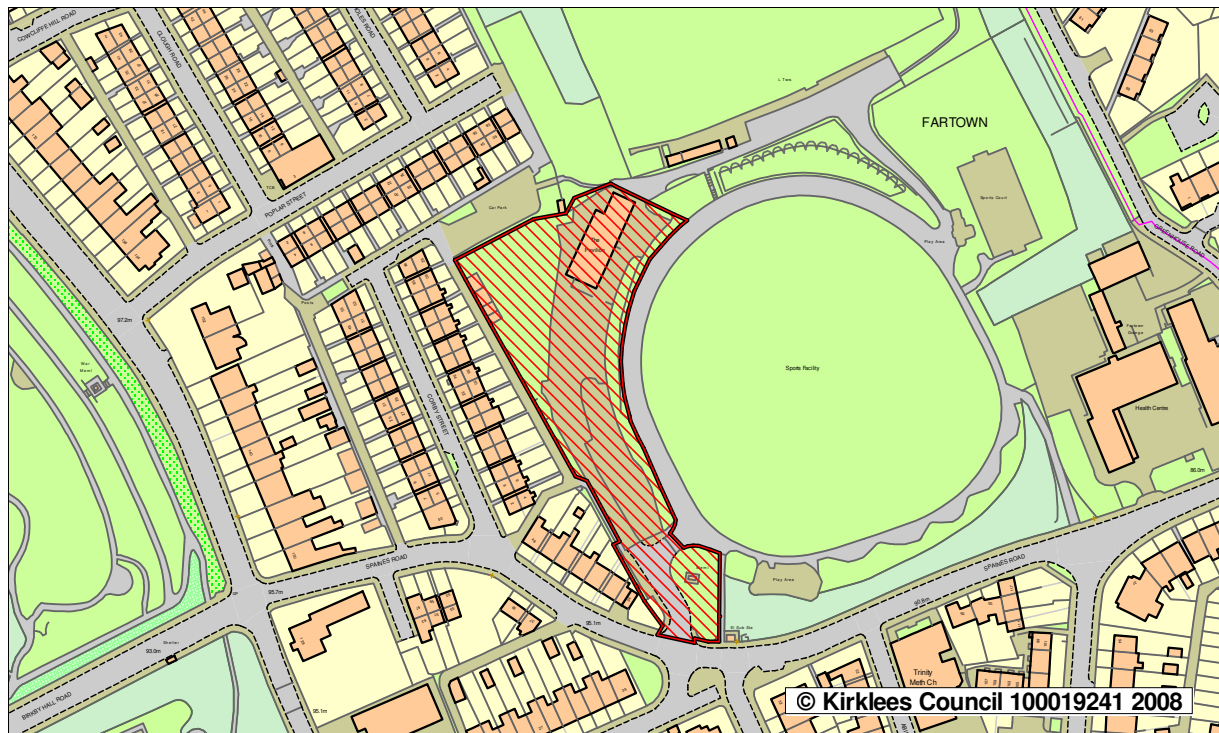
#### EXTENSION EXPIRY DATE

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

#### LOCATION PLAN



Map not to scale – for identification purposes only

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**Electoral Wards Affected: Greenhead Ward**

Yes

Ward Members consulted

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## **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 a full planning application seeking the alteration and extension of a community/recreation centre and mosque, to include ancillary residential accommodation, and the formation of car parking, landscaping and boundary treatment. The proposal also includes the demolition of an existing outbuilding.
- 1.2 This application is brought to Strategic Committee because the proposal seeks non-residential development within a site area which exceeds 0.5ha.

### **2.0 SITE AND SURROUNDINGS**

- 2.1 Located within Fartown, the application site covers an area of 0.62ha. The site includes an original cricket pavilion, now used as a community/recreation centre and mosque, a dilapidated outbuilding and an associated unmarked parking area. The pavilion pre-dates 1893. It has been extended and modified throughout the years and is not a listed heritage asset.
- 2.2 To the north and east of the site are two playing pitches, each currently configured for rugby. Other facilities include a playground, basketball court and running track. The wider surrounding area is residential. To the immediate west of the site is Corby Street, which consists of back-to-back terrace rows. An access route separates the application site's boundary with the boundaries of the dwelling's facing the site.
- 2.3 The application site and adjacent playing pitches are allocated Urban Green Space.

### **3.0 PROPOSAL**

- 3.1 The proposal seeks significant alterations to the building, including various extensions and aesthetic changes. The application is seeking to form a purpose built space for the community, as opposed to the current

arrangement in which they use to unsuitable layout of the pavilion. The building's floor space is to increase from 630sqm to 1,485sqm.

- 3.2 The proposed architectural form is characteristic of a traditional mosque. Design features include flat roofs with a dome section, stone minaret, and arches with mesh curtains. The building would be two storeys in height, with a typical maximum height of 7.8m with the dome being 10.5m at its peak. Facing materials would be a mixture of artificial stone and off-white render.
- 3.3 Using the maximum number of prayer mats that the prayer halls can accommodate, the site has an anticipated maximum occupancy of 279. Internal features include prayer halls, meeting rooms, crèche and ancillary services such as an office, kitchen and library. Additionally, a three bedroom missionary's apartment is proposed, to be occupied by the cleric and their family.
- 3.4 No opening hours have been specified although it is intended the building would be open during the day and evenings. No loudspeaker or call to prayer is proposed.
- 3.5 The existing outbuilding is to be demolished. The vegetation around the boundary is to be retained, and enhancing with additional planting in places. The car park is to be formally marked out with fifty-five standard car parking spaces, two disabled spaces and three bicycle hoops. The site's current boundary includes sections of brick walling, palisade fencing and weld-mesh fencing. The proposal looks to retain aspects of the existing boundary, while replacing large sections of the brick walling with 2.4m high green weld-mesh fencing.

## **4.0 RELEVANT PLANNING HISTORY**

### **4.1 Application site**

99/91781: Erection of extension to existing function room – Refused (Appeal dismissed)

2008/92369: Change of use from nightclub to community and recreation centre and mosque (use class D1) and erection of security fencing – Conditional Full Permission (Implemented)

### **4.2 Surrounding area**

94/91646: Erection of prefabricated building for changing rooms and public toilets and rehousing of existing generator room – Conditional Full Permission (unimplemented, expired)

2001/93715: Erection of stand with changing and fitness suite – Conditional Full Permission (unimplemented, expired)

## **5.0 HISTORY OF NEGOTIATIONS**

- 5.1 Discussions have taken place between the officers and the applicant in regards to technical details. These include highway arrangements, ecology and drainage. The discussions have overcome many of the concerns initially

raised by officers, and are continuing in regards to the final outstanding matters.

- 5.2 During the course of the application the applicant has requested that the plans be superseded several times. These were to allow for late aesthetic changes to the building.

## **6.0 PLANNING POLICY**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25<sup>th</sup> April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Local Plan process the Publication Draft Local Plan is considered to carry significant weight in the determination of planning applications. 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 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
- **D3** – Urban Greenspace
- **BE1** – Quality of design
- **BE2** – Design principles
- **BE11** – Building materials
- **BE23** – Crime prevention
- **EP4** – Noise sensitive locations
- **T10** – New development and access to highways
- **T19** – Parking standards

### **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
- **PLP21** – Highway safety and access
- **PLP22** – Parking
- **PLP24** – Design
- **PLP30** – Biodiversity and geodiversity
- **PLP47** – Healthy, active and safe lifestyles
- **PLP48** – Community facilities and services



- **PLP50** – Sport and physical activity
- **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 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

## 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 10<sup>th</sup> of October, 2017.

7.2 No public representations were received.

### *Ward Member Interest*

7.3 Given the nature of the proposal local members were contacted. Cllr Sokhal made several enquiries to officers, with Cllr Ullah included within the emails. Cllr Pattison elected to not comment as she sits on the Strategic Planning Committee.

## 8.0 **CONSULTATION RESPONSES**

### 8.1 Statutory

The Coal Authority: No objection subject to conditions regarding site investigation, remediation and validation

Sport England: No objection

### 8.2 Non-statutory

Crime Prevention: No objection subject to condition.

K.C. Ecology: Raise concerns with the submitted bat report and are now working proactively with the agent to address concerns. Requested several conditions.

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

K.C. Highways: No objection subject to conditions.

K.C. Lead Local Flood Authority: Some concerns as requested details outstanding

## 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 site is allocated as Urban Green Space (UGS) by both the UDP and PDL. D3 of the UDP and PLP61 of the PDL state that development on UGS will not be permitted except in specific circumstances. These circumstances include when the development is necessary for the continuation or enhancement of an established use, subject to the development not prejudicing the site's function as green space.
- 10.4 Officers are satisfied that the proposal represents an enhancement of an established use, with the mosque being founded in 2008. Furthermore the development is considered reasonably necessary due to the difficulties the community is having with the pavilion, which does not provide appropriate facilities and is in a poor state of repair due to age.
- 10.5 The proposal is not considered detrimental to the UGS wider allocation and use as a green space. The development is to be located on the existing surfaced area, being brownfield land, and will not encroach or remove any undeveloped or open land. Furthermore the development will not prejudice the practical use of the sport pitches.
- 10.6 The NPPF, Chapter 8, establishes a general principle in favour of supporting development which would enhance community facilities which assists in facilitate social interaction and create health, inclusive communities. This is mirrored by policy PLP48, which states proposals which enhance the provision of community facilities will be supported.

- 10.7 Considering the provision of Policies D3(i) and PLP61(d) the proposal is considered to be appropriate development on UGS. Furthermore weight is given to the support provided by Chapter 8 of the NPPF and PLP48 of the PDLP. Therefore the principle of development is considered acceptable, subject to an assessment of the proposal's local impact, outlined below.

### Urban Design issues

- 10.8 The proposal seeks a significant change in the design of the building, with both the extensions and alterations to the building being of an architectural form not in keeping with that of the original building or neighbouring structures, which is a consideration of policy BE2.
- 10.9 Notwithstanding this, the proposed structure is considered visually attractive. The aesthetic is typical of a purpose-built mosque, including features such as a minaret and dome which are not without precedence in the wider area. While enlarging the existing structure, the proposal is not an overdevelopment of the site, which is considered visually capable of hosting the development as proposed. The material pallet is considered to give it a light appearance, reducing its presence.
- 10.10 Looking to the context of the wider area, the site is adjacent numerous terrace rows of early 20<sup>th</sup> century worker dwellings. These properties have a specific design and characteristics. Nonetheless the application building is spatially detached from the terrace rows and other buildings within the area. As such the proposed building would typically be viewed in isolation from all directions: it is considered appropriate for the building to have its own character and identity, with the proposed design being noted as visually attractive. Furthermore, it is not uncommon to see such designed buildings, or other modern buildings which don't directly harmonies with their immediate context, in modern urban environments, close to residential areas so as to serve the community.
- 10.11 Considering the NPPF, Paragraph 69 states that '*to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared space, community facilities*'. In terms of design, Chapter 7 stipulates that '*planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles*' (paragraph 60) and that '*in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area*' (paragraph 63). Weight is given to the appearance of the current building, which has been in a state of disrepair for some time.
- 10.12 In regards to materials, the building is to be mainly faced in white render. This is the principal material of the existing building, and its continued use is supported by officers. The proposal initially sought to use natural stone as a secondary material; however despite advice to the contrary from officers the applicant has amended the material to artificial stone. This does raise concerns from officers, however it is noted that the areas of stone are modest and subservient, being secondary to the render. Furthermore, as the site is remote, comparisons between the natural of neighbouring building and the proposed artificial stone would be limited. If minded to approve with

artificial stone, a condition can be imposed requiring samples to be submitted for inspection.

- 10.13 Limited details of landscaping have been given. If minded to approve officers propose a condition requiring details of landscaping be submitted and managed thereafter. In terms of boundary treatment, the existing boundary wall consists of varied elements, including brick sections and mesh walling. The brick walling sections, which are in a poor state of repair, are to be replaced by a singular 2.4m high weld-mesh fence. The majority of the fence will be adjacent to the vegetated areas, mitigating its visual impact.
- 10.14 The site is 110m from the Birkby Conservation Area. Giving due consideration to Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 and Chapter 12 of the NPPF, officers are satisfied that because of the separation distance and built development between the site and conservation area, the development would not prejudice the character or appearance of the Conservation Area as a designated heritage asset.
- 10.15 In summary, officers hold some concern over the proposed use of artificial stone instead of natural stone. Notwithstanding these concerns, officers consider the design to be attractive, and while it would not reflect the design of neighbouring buildings it is not considered harmful to the area's visual amenity and would help raise good design in the area. It is concluded that the development would harmonise with Policies BE1 of the UDP, PLP24 of the PDLP and Chapter 7 of the NPPF.

#### Residential Amenity

- 10.16 To the north and east is open land. The site is boarded by numerous residential dwellings to the south and west. The proposed development would increase the height of the existing structure, and also extend it closer to the neighbouring properties. The current closest relationship between the mosque and the neighbouring dwellings is 40.0m. This will decrease to 27.0m. Notwithstanding this, the proposed building is two storeys in height, with a typical height lower than that of the neighbouring dwellings. This does not include the dome and minaret, which are taller than neighbouring dwellings; however they are further removed than the main building and are small in frame.
- 10.17 While not strictly relevant, as the proposal does not relate to a new dwelling, Policy BE12 establishes a recommended separate distance of 21.0m between facing dwellings. As noted the proposed development's height does not exceed that of a typical dwelling, with a separate distance suitably in excess of 21.0m. The proposed Mosque building would be off-set from the neighbouring properties, and would not have a direct relationship. Consideration is also given to the site's boundary treatment, which includes walls with a typical height of 1.8m and mature trees, mitigation direct views. It is therefore concluded that the development would not result in materially harmful overbearing or overshadowing to the residents of nearby dwellings. Due to the separation distances involved between the mosque and the neighbouring dwellings, officers do not raise concerns regarding overlooking.
- 10.18 No hours of use are proposed, and the applicant is requesting that none are imposed. This is due to prayers taking place through the night, with congregational dawn prayers starting from 0300 and night prayers ending

2400, depending on the sun. Attendees of early and late prayers are stated to be 'a relatively small number'. Previous permission 2008/92369 was granted with the following condition;

*8. No activities other than prayer shall take place on the premises outside the hours of 8:00am and 12:00 midnight unless otherwise agreed in writing by the Local Planning Authority.*

As noted the development will only increase the maximum number of attendees by circa 30. Therefore the impact of visitors attending the site is not anticipated to be materially greater than that already taking place on site. Officers are satisfied that the re-imposition of the above condition would suitably protect the amenity of neighbouring residents, while ensuring the operational flexibility of the applicant. The applicant has confirmed that there will be no call to prayer outside the building. This can be secured via condition.

- 10.19 Subject to the above-mentioned conditions officers are satisfied that the development would not cause harm to the amenity of residents in the surrounding area. Therefore the development is deemed to comply with Policies D2 and EP4 of the UDP, PLP24 and PLP52 and Paragraph 17 and Chapter 11 of the NPPF.

#### Highway issues

- 10.20 The site currently accommodates a maximum of 246 visitors, with the proposal increasing this to 279. The development is to provide 55 standard parking spaces and 2 disabled parking spaces, for a combined total of 57. This parking provision is considered to be satisfactory, in accordance with the maximum parking standards required by policy T19. If minded to approve K.C. Highways have requested a condition be imposed requiring the parking areas are laid out in accordance with the plans and thereafter maintained; this is considered appropriate to impose.
- 10.21 In terms of access, the current access was improved as part of the application which permitted the mosque (2008/92369). This included the provision of a pedestrian crossing facility on Spaines Road (zebra crossing). Planning and Highways officers are satisfied that the access can accommodate the increase in visitors, subject to a condition requiring the access being kept clear of obstructions over 1.0m in height.
- 10.22 K.C. Highways have requested a travel plan be submitted via condition. Examples of required measures would include the upgrade of bus stops, provision of metro passes and other features designed to reduce reliance on cars. Considering that the site has sufficient provision on parking, and the proposal seeks to increase the number of visitors by 33, officers do not consider this reasonable or necessary, therefore failing to comply with the NPPFs six tests for conditions. The application has proposed three bike storage spaces, which is considered insufficient; therefore a condition is to be imposed requiring information on the provision of additional cycle facilities.
- 10.23 The proposal will not result in a significantly intensification of users on the site, with the proposed parking arrangements being acceptable. Furthermore the site's existing access is considered appropriate. It is therefore

considered, subject to the abovementioned conditions, that the development would not prejudice the safe and efficient operation of the Highway and the development complies with Policies T10, T19 and PLP21.

### Other Matters

#### *Drainage issues*

- 10.24 The site is within Flood Zone 1, therefore having limited potential for flooding. Foul and surface drainage are proposed via the mains sewer.
- 10.25 Regarding surface water there is no substantive objection to the development, however K.C. Strategic Drainage have requested further technical detail relating to surface water discharge.
- 10.26 Officers consider this appropriate to deal with via a suitably worded condition.

#### *Ecological impact*

- 10.27 Chapter 11 of the NPPF and PLP30 of the PDLP require development to preserve and enhance the local ecological environment. The site is within the council's bat layer and, given the nature of the proposal, would likely impact on the local bat population. A bat survey has been submitted with the application, which identified at least three bat species using the site for feeding and roosting.
- 10.28 Without appropriate mitigation and a European Protected Species mitigation licence the proposed works will result in significant ecological impacts and criminal offence in respect of roosting bats. Further survey information on how bats are using the site is needed to inform the mitigation proposals. Without this additional survey Natural England is unlikely to grant a licence, which is a material consideration for the Planning Authority.
- 10.29 Discussions have taken place between officers and the applicant which resulted in an expanded bat report being submitted. Further investigation works are required, however officers are satisfied that a suitably worded condition can be imposed, requiring details of survey work and commensurate mitigation measures be provided prior to development commencing. Additional conditions deemed necessary include a Lighting Strategy, given the site's late night use, and a Landscape and Ecological Design Strategy, to detail and explore ecological enhancements within the wider site.
- 10.30 Subject to the above conditions officers are satisfied that the proposal would preserve the site's local ecological value, while exploring opportunities to explore site specific enhancement. As such, subject to conditions, the development is deemed to comply with PLP30 of the UDP and Chapter 11 of the NPPF.

#### *Crime prevention*

- 10.31 The application has been reviewed by the Police Architectural Liaison Officer, who does not object to the proposed development. However, in the interest of crime prevention and mitigation, as required by Policies BE1 and

BE23 of the UDP, PLP 24 of the PDLP and guidance contained within the NPPF they have requested a condition be imposed. The condition is to require the details of the proposed crime prevention measures to be used to be submitted to the Local Planning Authority. In accordance with the above mentioned policies, this is considered reasonable.

#### *Impact on adjacent to Sports Pitch*

- 10.32 The proposal is adjacent to an in use playing field and consultation undertaken with Sport England. Furthermore Policies PLP47 and PLP50 of the PDLP and Chapter 8 of the NPPF seek to protect sport facilities.
- 10.33 The site is currently in use as a mosque, having been so since 2008 and the physical development does not encroach towards the playing field. As such the proposal does not have a detrimental impact on either existing sport facilities or the playing field, nor generate a demand for new indoor or outdoor sport facilities. Sport England does not object to the proposal, and the development is not considered to conflict with policies PLP47, PLP50 and Chapter 8 of the NPPF.

#### *Coal mining legacy*

- 10.34 The application site is in an area where there is a high risk of historic mining activity. A Coal Mining Risk Assessment (CMRA) was submitted with the application, which indicated a potential risk for development of the site and thus made recommendations for safe development. The report was submitted for consideration by the Coal Authority, who concurs with the conclusion and recommendations of the CMRA.
- 10.35 The recommendations include investigatory works, prior to development commencing, and appropriate remediation if necessary. Subject to conditioning these works, if minded to approve, the Coal Authority has no objection to the proposal. These conditions are deemed to comply with the NPPF's six tests, so as to accord with Policy G6 and BE1 of the UDP, PLP53 of the PDLP and Paragraphs 120 and 121 of the NPPF. Given the importance of ensuring a safe development, and the potential impact of coal legacy, pre-commencement conditions are deemed justifiable.

#### *Air Quality*

- 10.36 In accordance with government guidance on air quality mitigation, outlined within Policies PLP21, PLP24 and PLP51 of the PDLP along with the NPPG and Chapter 10 of the NPPF, it is considered reasonable and necessary to seek air quality enhancement as part of the application. The plans indicate that three electric vehicle charging points, to serve six vehicles at a time, are proposed within the application. This provision is considered acceptable for the size of the car park. If minded to approve a condition is to be imposed, requiring the charging points to be provided and retained.

#### *Ancillary residential use*

- 10.37 The proposal includes the provision of a four bedroom flat for occupation by the Mosque's cleric. The flat is 8% of the proposed building's floor space. On-site living is not uncommon for Clerics, and an 8% floor space is considered suitably ancillary. If minded to approve officers are minded to

impose a condition, stipulating only the flat is to be occupied by the cleric and family only.

## Representations

10.38 No public representations have been received.

## **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. However as the development seeks an enhancement to an established use, and would not prejudice the purpose of the Urban Green Space allocation, it is considered to comply with Policies D2 and PLP61.

11.2 The development would provide a public benefit through enhancing local community facilities. Furthermore it would not cause a detrimental impact upon residential amenity, visual amenity, the local highway network or other relevant material planning considerations.

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 year time limit)
2. Standard (In accordance with the following plans)
3. Hours of use
4. Material samples
5. Crime mitigation measures
6. Condition tying apartment to cleric
7. Drainage- surface water scheme
8. Ecology (Landscape plans + eco)
9. Ecology (Lighting plan)
10. Ecology (Survey work)
11. Environmental Health (Charging points to be provided in accordance with plans)
12. Coal (Site Investigation, remediation and validation)
13. Highways (Parking layout provided)
14. Highways (Cycle facilities)
15. Highways (Access kept clear of obstructions)

## **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%2f92958>

Certificate of Ownership: Certificate B signed. Notice served to Kirklees Council.



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## Report of the Head of Strategic Investment

### STRATEGIC PLANNING COMMITTEE

Date: 30-Nov-2017

**Subject: Planning Application 2017/92997 Erection of 70 (over 55) retirement apartments comprising of four blocks, provision of a community building, electricity substation and laying out of internal roads, parking areas and greenspace and associated infrastructure. Lidl, Station Road, Mirfield, WF14 8LL**

#### APPLICANT

Darren Smith, Darren  
Smith Homes

#### DATE VALID

22-Aug-2017

#### TARGET DATE

21-Nov-2017

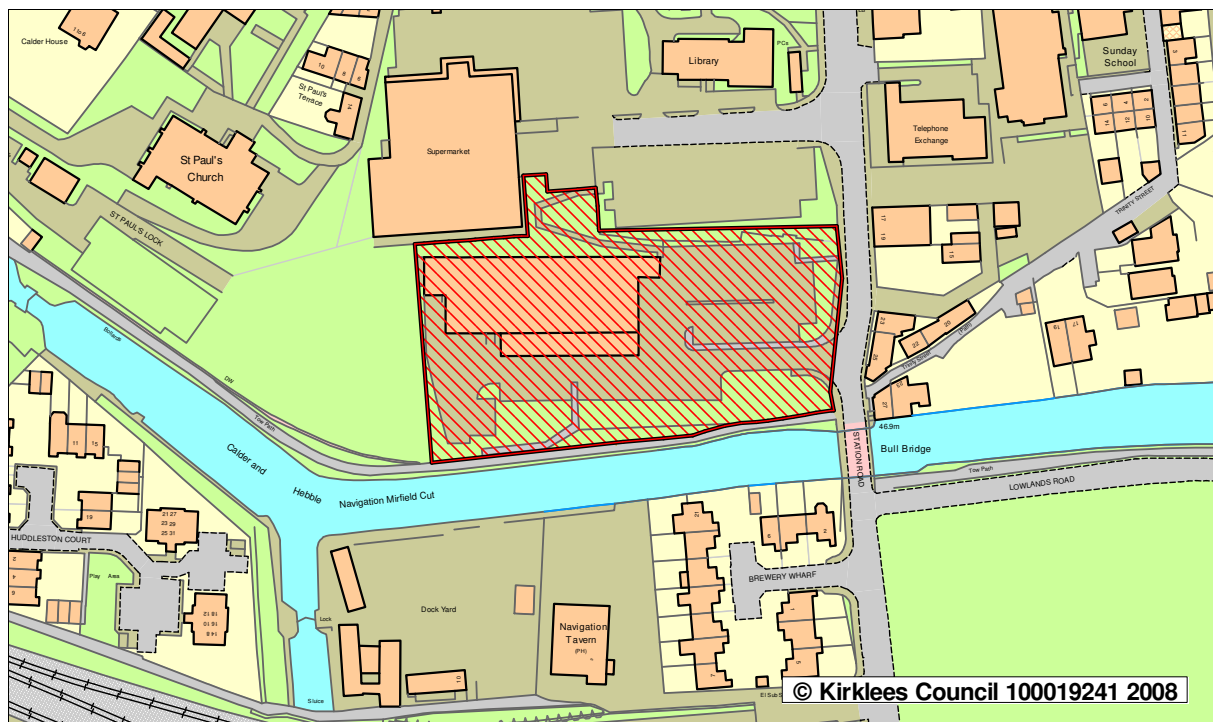
#### EXTENSION EXPIRY DATE

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

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

#### LOCATION PLAN



Map not to scale – for identification purposes only

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**Electoral Wards Affected: Mirfield**

Yes

Ward Members consulted  
(referred to in report)

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.

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## **1.0 INTRODUCTION:**

- 1.1 The application involves residential development on a site in excess of 0.5ha and it involves 70 units. It is referred to Strategic Planning Committee on this basis.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The site is located immediately to the south of Mirfield town centre, and approx. 4.8km to the west of Dewsbury town centre. The northern boundary of the site abuts the public car park for the town centre, whilst the southern boundary abuts the Mirfield canal which is part of the Hebble and Calder Navigational Canal network. There are existing residential properties adjacent to the eastern boundary and to the west of the site is a mixture of residential and commercial buildings including former mills.
- 2.2 The site is roughly rectangular and was until recently in retail use with a surrounding car park area. The River Calder runs some 300m to the south of the site. The main Leeds to Manchester railway line runs between the site and the river on a raised embankment. There is vehicular underpass on Station Lane that the railway runs over Station Lane. The overall site area to be developed is approximately 0.7 hectares.
- 2.3 The existing site consists of a single storey steel portal framed building. The surrounding car park has levels varying from 47m in the north-east corner down to 45.0m AOD in the south west corner of the site. The canal footpath adjacent to the site is set around 43.75m AOD and is accessed by a pedestrian ramp down from the site or down a steep banking which has been partially landscaped.
- 2.4 To the north is a community car park area separated from the development site by a brick and stone retaining wall. There is a small rectangular area that forms a pedestrian access from the site up to the communal car park. Access for vehicles to the site is taken from Station Road. The levels rise from the site entrance to the town centre in the north.

### **3.0 PROPOSAL:**

- 3.1 The scheme seeks to redevelop the existing Lidl site with a mixed-use scheme comprising of 70 apartments contained within four bespoke designed blocks with provision for a community building.
- 3.2 Vehicular access to the development will be provided from the existing site access on to Station Road located to the north of the bridge over the Calder and Hebble navigation canal. The junction is a simple priority junction with suitable kerbed radii on both sides and footways returning into the site.
- 3.3 The proposed form of the development will comprise of four blocks, accessed from Station Road, which will utilise the key aspects afforded by the waterfront and Station Road.
- 3.4 The apartments would comprise of two bedroomed units with undercroft car parking at ground floor with varying storey heights above dependant on the position within the development site.
- 3.5 The internal courtyard of the development would provide additional surface car parking and amenity space set within a landscaped environment.
- 3.6 The site offers the potential to provide a purpose built new community facility of circa 300m<sup>2</sup> over two levels, which could house the existing library and provide accommodation for various community uses and activities. In detail, the proposal includes the following elements:-
- Block A – 3 storey building fronting the canal containing 5no flats each with 2 bedrooms. Central lift shaft. Undercroft garage parking for 5no cars. The proposed building fronts the canal.
  - Block B – 5 storey building with undercroft parking with a total of 24 parking spaces. A total of 28no apartments each with 2 bedrooms. Balconies to rooms on southern elevation. Upper floor to include a large terrace for those properties. The proposed building fronts the canal.
  - Block C – 5 storey building with undercroft parking for 7 cars. A total of 14no apartments each with 2 bedrooms. A community facility area to the rear of the building. Hydrotherapy pool and changing rooms at ground floor level for use by residents.
  - Block D – 3 and 4 storey building with undercroft parking for 24 cars. A total of 22no apartments each with 2 bedrooms.
  - Landscaping of proposed garden area.
  - Improvements to the canal towpath.
- 3.7 The enhancement of the canalside providing planting and seating along with direct pedestrian connections is also proposed.

### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 2017/93757 – Prior notification for demolition of existing building – currently under consideration.

2011/09636 – Extensions and alterations to entrance and associated external works – approved (Lidl)

2011/91426 – Erection of 2no. internally illuminated signs and one 48 sheet advertising hoarding – approved (Lidl)

2009/91022 – Erection of extension to sales area and new entrance lobby & relocation of loading – approved (Lidl)

2009/91794 – Advertising consent for 2no illuminated signs – approve (Lidl)

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 The scheme has been through an extensive pre-application exercise. The planning application submitted differed from the pre-application details in a number of ways. Officers have therefore, engaged with the applicant to ensure that alterations have been requested particularly to the design and appearance of the scheme in order to assimilate it effectively into the local environment and to ensure the scheme is in keeping with local vernacular.

## **6.0 PLANNING POLICY:**

- 6.1 The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007). The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Local Plan 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 – Land without notation  
H1 - Housing Need  
H10/12 - Affordable Housing  
H18 - Provision of Open Space  
BE1/2 - Design and the Built Environment  
BE12 - New dwellings providing privacy and open space  
BE23 - Crime Prevention Measures  
EP10 - Energy Efficiency  
EP11 – Landscaping  
R18 – Development adjacent to canals and rivers  
T1 - Sustainable Transport Strategy  
T10 - Highways Safety / Environmental Problems  
T16 - Pedestrian Routes  
T19 - Off Street Parking

Kirklees Draft Local Plan Strategies and Policies (2017):

- PLP3 – Location of New Development
- PLP7 – Efficient and effective use of land and buildings
- PLP11 – Housing Mix and Affordable Housing
- PLP20 – Sustainable Travel
- PLP21 – Highway safety and access
- PLP22 – Parking
- PLP23 – Core walking and cycling network
- PLP24 – Design
- PLP27 – Flood Risk
- PLP28 – Drainage
- PLP30 – Biodiversity and Geodiversity
- PLP31 – Strategic Green Infrastructure
- PLP32 – Landscape
- PLP34 – Improving and enhancing the water environment
- PLP35 – Historic Environment
- PLP48 – Community facilities and services
- PLP51 – Protection and improvement of local air quality
- PLP52 – Protection and improvement of environmental quality
- PLP61 – Urban Green Space
- PLP62 – Local Green Space
- PLP63 – New Open Space

6.3 Supplementary Planning Guidance:

- Providing for Educational needs generated by new housing
- Interim Affordable Housing Policy
- West Yorkshire Air Quality and Emissions Technical Planning Guidance
- Kirklees Landscape Character Assessment (2015)
- Kirklees Housing Topics Paper (2017)
- Planning Practice Guidance

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

**7.0 PUBLIC/LOCAL RESPONSE:**

7.1 The application has been advertised in the press, by site notice and by neighbour letter. Four objections have been received summarised below. Unless otherwise stated, these comments are addressed in the main body of the report:

- Mirfield is oversupplied with residential developments for the elderly and care homes.
- The proposal does not add to the economic life of the town.
- The site should be retained for retail or leisure use.
- The development will result in the loss of the open green space and trees adjacent to the canal and consequent effect on aesthetic value. If the application is approved it should be conditional on this space being retained.

*Officer response – this is not an area of greenspace and the site is brownfield. Redevelopment is not therefore, unacceptable in principle. Conditions are proposed requiring the submission of a landscaping scheme and biodiversity enhancements.*

- Our house faces this proposed development directly on its south elevation and we note the lack of inclusion of our residential development in any document concerning the planning application. No photographs show the direct view across the canal from the south. However, this development proposal will obviously have a visual/privacy impact on us. The proximity of buildings to the existing canal wall mean we will be overlooked directly by flats in 'Block A' whose main windows will look down on the back of our property / our garden and the deep glass fronted balconies will bring the development closer.
- The large number of windows on the south facing blocks will produce a significant amount of glare which will impact on Mr a residents photophobia/disability. The height of the large blocks will impact on the natural light reaching the back of our property.

*Officer response – The proposed development is considered to meet the Council's spacing standards as set out in policy BE12 of the UDP.*

- Mature trees on the site are not even acknowledged by the developer on their 'planning application form' and will be removed. These trees offer screening to our property from the site and support rainfall drainage. While the plans show some replacement trees, none of these will provide screening to us.
- High density development will significantly impact on the sewerage system and providing larger pipes does not reduce the sewage load/ risk of flooding from the wider areas sewers/drains. The inclusion of appropriate SuDS give us some confidence in the developer's willingness to address the risks of flooding beyond the site. However, who will be responsible for maintaining this facility and where/how the potential pollution from any 'stormwater run off' to be managed?( as there are rats along the canal).
- We do not feel this plan is enhancing the public right of access or enjoyment at the canal side. No major landscaping planned here and nothing to soften the very tall 5 storey structure by the canal.

*Officer response – the applicant proposes improvements to the canal. Conditions recommended.*

- Whilst there are tall buildings in the centre of Mirfield, none appears as tall as block B and D / looks directly over another low level residential development. We assume the use of metal fencing is to permit drainage from the site. Perhaps a colour other than black might reduce its impact on the canal path which up to now has been a popular walkway but already looks/feels very different due to the loss of 'wall' seating and high fence erected to protect the site...it is unclear if this is the intended 'final construction' .. without the 'razorwire' top!

*Officer response – Current fencing on the site is temporary and the proposals include boundary treatments including a wall along the canal frontage and hooped topped metal rail fencing. Conditions recommended.*

- We assumed the developer had included the 'community block' in the development as there is no plan to include affordable social housing. However, it is clear there is an agreement for the developer to get the library building for redevelopment. If this is the case it seems a mockery of providing something for the community in amelioration for lack of provision of social housing when these facilities already exist. It is unclear who the proposed hydrotherapy pool would benefit other than residents of the development.

*Officer response – A community space is proposed. However, there is no certainty at this stage that this would comprise a library facility and this is not necessary to make the development acceptable in planning terms so cannot be conditioned as a requirement.*

- Block A presents unacceptable invasion of my privacy. Residents of this block will have unobscured views looking down onto both my living room and main bedroom, as well as into my back garden. Even were trees to be restored in between this block and the canal, there would be little improvement, although there might just be some improvement in the outlook from my property to the north, which is already going to be degraded.
- Block C presents an overbearing and oppressive structure bearing down over the whole area. From what I can tell of the plans, I will be living under the (possibly literal) shadow of a building akin to a former East European secret police headquarters. This is out of keeping with Mirfield, as well as being an unacceptable architectural statement for the local area.
- Despite the increase in traffic in the local area due to completion of the new Lidl site, I am far from convinced that the \*additional\* traffic due to these residences on Station Road is safe. Those of us who live here can see for ourselves that the bends and kinks necessitated by the position of the bridge over the canal make Station Road a difficult route for pedestrians to navigate at the best of times and before arrival of the new store, let alone an apartment complex. I do not see any useful solution to this issue being raised in the plans. The plans themselves would benefit from more consideration of the surrounding area. Side elevations that encompass not just the site itself but also the surrounding area (including, clearly, Brewery Wharf to the south) would illustrate my objections - although I cannot help but think this is the very reason why they have been omitted. We have already had a disruption to local traffic thanks to the arrival of an unwanted Lidl store. Please help us to preserve the quality that makes Mirfield residents wish to stay in our own town, by requiring the developers to scale back on their plans at the very least, to stay within an acceptable level of local traffic disruption and preserve the nature of the town for all its current residents.
- I understand the proposed development is for a closed fenced, gated settlement. This would be anti-social because it would cut residents off from their neighbours and fellow citizens and increase fear of crime in the community. Door entry systems would provide adequate security for residents. If protection is wanted for parked vehicles this should be provided by garages or by compounds with resident-controlled access, The canal provides growing amenity for the town centre. Until fencing enclosed the site,

easy access was available via a walkway from Mirfield Library Car Park and along a path provided by Lidl from its car park to the towing path. Access is still available from Station Road and from Newgate. However in the former case this is via a steep ramp or awkward steps and in the latter via a narrow cobbled way under Newgate Road Bridge. These are unsuitable for families with children in buggies and for those with disabilities. Easy access should be retained to facilitate full public enjoyment of this amenity.

- The proposed buildings, especially that nearest the canal, would, because of their height and bulk, be overbearing and out of character with those in the town centre and nearby areas. High buildings in this location would also militate against public amenity by restricting views of the canal and across the valley. Traffic from the development (and from the recently completed Lidl Store) would cause problems on Station Road. These could and should be alleviated by using a narrow strip of land between Bull Bridge (over the canal) and the Library Car Park entrance. This appears to be in the ownership of the developer and/or Kirklees Council. It appears there would then be room for an additional traffic lane to link with that which already exists for left-turning and straight ahead traffic movements at the traffic lights/A644 Junction. The costs of this could and should be met by the developer. Landscaping proposals are unclear. There are small trees on the site which should be retained or replaced as part of a landscaping scheme.
- There should be provision for maintaining the landscaped area(s). If these matters are adequately addressed I would support the re-use of the site for residential purposes.

Spenn Valley Civic Society – Supports the proposal.

*Although Spenn Valley Civic Society does not normally comment on planning applications outside its area, on this occasion we consider it appropriate to offer supporting comments. This proposed development appears to fit very closely to SVCS's ideas on housing development in town centres. The design appears well thought out and makes good use of limited space. There is a need for retirement housing throughout Kirklees and the location of this development is appropriate for the needs of retired people, being close to essential services, shops etc. The addition of communal activities adds to its attraction. We would hope that Kirklees Council sees the benefits of this type of development and supports similar projects which seek to maximise the use limited space through sensible design.*

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

Highways – No objection subject to conditions.

Canal and Rivers Trust –

Block 'B' of the proposed scheme is within 12m of moorings to the south of the site, and are also in proximity to a working boat yard (not owned by the Trust) which is understood to operate seven days a week. These uses typically generate noise, smells and fumes through the operation of engines and general repair works. Whilst a noise assessment has been submitted by the applicant this does not consider the impact of these existing boating



operations (with the assessment primarily being with regards to uses to the north of the site).

It is considered that further information is required to assess the potential impact of existing boating operations on the amenity of future residents, particularly any noise and air quality issues and to consider any mitigation necessary to avoid any amenity issues or complaints from future residents, to protect existing economic activities. Without this information, there is no confidence that apartments within Block B would not be subject to unacceptable levels of noise or odour or that the proposed location of Block B is acceptable. This information is therefore considered necessary prior to determination of the application.

The Ground Report submitted with the application dates from 1994/5 and has not been undertaken to current standards. The report is not considered sufficient to determine whether contamination is present on site which may present a risk to the canal during excavation and construction works. We therefore request that an up to date Phase 1 desk study report that fully considers the risks to the waterway and sets out measures to prevent any risk of contamination is submitted for consideration. This is in line with the principles of paragraphs 109 and 121 of the National Planning Policy Framework concerning pollution.

Proposed block 'B' is sited approximately 5m from the southern curtilage of the site, and 12m distant from boats moored to the south. The proposed block is 5-stories in height, and features main living windows and external balconies facing the canal. It is considered that the combination of height, proximity, and the presence of external balconies could result in a significant erosion of privacy for users of the existing moorings. The impact would be more significant than that from the neighbouring development to the west, where the approved building is not as tall and features a reduced number of balconies. The impact on the privacy of nearby residents does need to be considered in line with the aims of policy BE12 from the saved Kirklees Local Plan, which requires the need for design to ensure that no detriment will be caused to existing occupiers of adjacent premises. We therefore request that amendments are made to the scheme to reduce the perception of overlooking towards residential boats to the south. Measures could include the reduction to balcony numbers, the setting back of the building further from the canal (which could also reduce the potential for apartment residents to suffer from noise or odour nuisance from boaters), a reduction in height, and the inclusion of louvre screening to the remaining balconies.

In line with saved policy BE1 from the Kirklees UDP, development should be of a good quality, and contribute to the built environment, which should be visually attractive, and create a sense of local identity. The success in the scheme meeting the requirements of BE1 will depend upon the quality and type of materials and planting used within the buildings and landscaping scheme next to the canal, especially with regards to the replacement wall, new access point, and the railings shown.

The indicative landscaping arrangements do not show any positive engagement with the canal, and we would encourage the developer to consider the opportunity to create a more engaged landscape design aside of the canal for the occupants to enjoy as an amenity area as the scheme is developed further.

We request that full hard and soft landscaping details and southern boundary treatments are reserved by condition prior to development of that element so that the materials and planting can be fully assessed against the requirements of this policy. The use of appropriate native planting between the building and the canal would assist in enhancing the waterway corridor.

In addition to the above, we do note that the ground floor of the block 'B' will be visible from the canal. The narrow openings to the parking area of the block risk making the immediate ground floor appear overbearing to the neighbouring towpath. We therefore would request that consideration is given to widening the openings shown so that they mirror the width of the openings above, which would improve the appearance of this elevation. This would also mirror the arrangement approved for the parking areas upon the development to the west of the site.

In line with paragraph 120 of the National Planning Policy Framework, there is a need for planning decisions to ensure that new development is appropriate for the location to prevent unacceptable risks from land instability. The Planning Practice Guidance (PPG) confirms the important role of the planning system in considering land stability by minimising the risk and effects of land stability on property, infrastructure and the public. (Paragraph: 001 Reference ID: 45-001-20140306). The proposed building works will be situated within proximity to the canal, and will include new retaining walls to deal with the land levels on site.

The developer will need to demonstrate that any temporary or permanent works associated with the proposed development will not impose any additional load onto the canal wash wall and that foundations provide support to his development without any negative impact on the Trust's assets, such as the towpath, walls, or the canal itself. We therefore request that any consent includes pre-commencement conditions that require the submission of foundation details, including cross sectional drawings showing their relationship relative to the canal.

A Construction Management Plan should also be required to include, details of the proposed location of plant and equipment in proximity to the canal, and proposed construction methodology to limit the presence of heavy or disruptive equipment in locations that could affect the stability of the land sloping towards the canal.

We would also request that details of surface water drainage are secured by planning condition, as unintentional runoff from the site towards the canal could undermine the slope stability here.

### *Flood Risk*

We note that the Flood Risk Assessment provided includes a statement that the canal flood gates protect the site from flood risk to the 1:100 level. The Trust cannot confirm if this statement is accurate, and our infrastructure cannot therefore be relied upon to provide flood protection to this level.

## *Impact on Biodiversity*

In line with paragraph 109 of the National Planning Policy Framework referred to above, there is a need to mitigate any harm to biodiversity on the site, and to provide net gains to biodiversity on site. We would request that any future landscaping scheme considers the use of native planting and measures to increase biodiversity.

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

Crime Prevention – The proposed blocks B, C and D include having undercroft parking areas. Unless secured properly, and given additional surveillance, such areas can become havens for unseen loitering, anti-social behaviour and crime. What measures are intended to secure these areas?

Adequate surveillance is needed to avoid the opportunity for loitering, car crime, risk to personal safety of residents, and fear of crime. In addition, doors connecting from the under crofts directly into the residential areas of the buildings can be vulnerable as entry points for burglary.

*Officer Response – The applicant is preparing a response, the contents of which will be provided to Strategic Planning Committee as an update.*

Strategic Housing – No objection. 20% affordable housing required.

Lead Local Flood Authority – No objection in principle.

The applicant has developed a suitable drainage concept and has a potentially suitable solution. However, given the proximity to a Kirklees 'Indicative critical drainage area' and using National advice discharges should be reduced to Greenfield Rates OR as low as reasonably practicable. Reviewing the plans I anticipate that the applicant could provide some additional storage using Geocellular structures or some increases in Pipe sizes to provide increased storage. This would provide betterment above the upper limit of a 30% reduction and would be in the community interest to do so. We request the applicant investigate what is the maximum attenuation feasible on the site and then calculate what discharge rate the site could restrict down to.

*Officer Response – The applicant is preparing a response to the comments from the Council's Drainage Engineer. These will be reported to Strategic Planning Committee as an update.*

Environmental Health – No comments received. Comments will be reported as an update.

### **9.0 MAIN ISSUES**

Principle of Development

Impact on Surrounding Area and Landscape

Neighbour Amenity Implications and Relationship with Surrounding Uses

Highways and Traffic Implications

Flood Risk Issues

Ecological Issues

Heritage Issues

## 10.0 APPRAISAL

### Principle of development

- 10.1 Planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is one such material consideration. The starting point in assessing any planning application is therefore, to ascertain whether or not a proposal accords with the relevant provisions of the development plan, in this case, the saved policies in the Kirklees Unitary Development Plan, 1999 (UDP). If a planning application does not accord with the development plan, then regard should be had as to whether there are other material considerations, including the NPPF, which indicate that planning permission should be granted.
- 10.2 The NPPF is a Government statement of policy and is therefore, considered an important material consideration especially in the event that there are policies in the UDP which are out-of-date or inconsistent with the NPPF. Paragraph 215 of the NPPF reinforces that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.
- 10.3 The NPPF seeks to *“boost significantly the supply of housing...” (para 47)*. Para 47 then goes on to describe how local authorities should meet the full objectively assessed need for market and affordable housing. This requires a range of measures including ensuring a deliverable five year supply of housing. Para 49 states that *“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”*.
- 10.4 As evidenced in recent appeal decisions (eg. APP/Z4718/W/16/3147937 - Land off New Lane, Cleckheaton), the Council are falling foul of their requirement to ensure a five year housing land supply by a substantial margin. This is important in the context of paragraph 14 of the NPPF.
- 10.5 Para 14 of the NPPF states that for decision-taking, the presumption in favour of sustainable development means:
- Approving development proposals that accord with the development plan without delay, and
  - Where the development plan is silent, or relevant policies are out-of-date, granting planning permission unless:  
*Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole; or*  
*Specific policies in the Framework indicate development should be restricted.*

- 10.6 As the Council are unable to demonstrate a 5 year housing land supply as required by para 49 of the NPPF, relevant policies relating to housing are considered to be out-of-date. Indeed, the housing land supply shortfall is substantial and falls below 3 years. Whilst the Council have submitted the emerging Local Plan for examination which, for housing purposes, is predicated on the basis of a five year housing land supply; the Local Plan has not been through examination, nor has it been adopted.
- 10.7 Based on the above, there is a presumption in favour of sustainable development and planning permission should only be refused where there are adverse impacts which would significantly and demonstrably outweigh the benefits.
- 10.8 The site is allocated as land without notation (unallocated) on the UDP and in the emerging Kirklees Publication Draft Local Plan (PDLP). Therefore, policy D2 is applicable in this case and residential development is not necessarily unacceptable in principle. It is also the case that the site constitutes brownfield land.
- 10.9 Whilst the PDLP is predicated on the basis of a deliverable five year housing land supply, it has not yet been adopted. Therefore, as the Council is unable to demonstrate a five year housing land supply and housing delivery has persistently fallen short of the emerging Local Plan requirement. This triggers the presumption in favour of sustainable development as advocated by para 14 of the NPPF.

#### *Accessibility*

- 10.10 The site is well positioned in terms of residents being able to walk to Mirfield centre where there are a wide range of services.
- 10.11 The footway network along Station Road provides a suitable link with the town centre of Mirfield to the north of the application site and the rail station to the south. Within the recommended maximum walking distance are the local shops and services within Mirfield including a supermarket, butchers, a bank, a post office, a doctor's surgery, dentists, pharmacy and various food and takeaway outlets, restaurants and cafes. The rail station is also well within the walking catchment area for the site. To assist pedestrians to safely access these shops and services within the town centre there are pedestrian crossing facilities at most junctions and signalised crossing points on the Huddersfield Road within the town centre.
- 10.12 The nearest bus stops are located on the Huddersfield Road a maximum distance of 200 metres from the application site. The Huddersfield bound fare stage has the benefit of a passenger shelter & timetable case. The Dewsbury bound stop has a flag / pole and raised boarding kerbs. These bus stops provide access to the several bus services. The nearest railway station from the application site is Mirfield Railway Station located just 250 metres or so to the south of the application site.
- 10.13 The site is well located in terms of access to the cycle network including route 67 and the 'Wonders of Wakefield' cycle route.
- 10.14 Overall the site lies in a wholly sustainable location and there are opportunities to access the local services by a range of non-car modes.

## Impact on Character of Surrounding Area and Landscape

- 10.15 Section 11 of the NPPF sets a wide context to conserving and enhancing the natural environment and requires that valued landscapes are protected and enhanced and requires that the level of protection is commensurate with the status and importance of the landscapes.
- 10.16 Policy BE1 of the UDP requires that all development should be of good quality design such that it contributes to a built environment. Policy BE2 states, amongst other matters, that new development should be designed so that it is in keeping with any surrounding development. Policy R18 requires development to have regard to the waterside environment. Policy PDLP24 of the PDLP requires that good design to be at the core of all planning decisions.
- 10.17 The site lies along the Calder and Hebble Navigation which forms a 'cut' linking to the River Calder to the east and west. Adjacent to the site lies an area of land which is currently undergoing redevelopment by the same applicant as the current proposal. The adjacent scheme comprises the erection of 36 apartments (for the over 55's) which were approved under planning permission 2009/93133. There is a current application under consideration to vary the window and materials details of the approved scheme which is currently being considered under planning application 2017/90550.
- 10.18 The current proposal is intended to continue with the same theme as the adjacent apartment blocks. The application involves the erection of four bespoke blocks, two of which front the canal, with the other two blocks being situated behind. Two of the proposed blocks would front Station Road to the east of the site.
- 10.19 There are considered to be two key views of the site; one being the view from the canal side to the south and the other being the view from Station Road to the east. To a lesser extent the site would also be visible from Mirfield centre. The adjacent, approved scheme has a maximum height of three storeys, with each of the buildings including a pitched roof with fenestration detailing and traditional architectural elements included within each block. The design of the blocks is reminiscent of a traditional mill type building but with a bespoke and contemporary feel, including the provision of lightweight balconies to the front elevation of those apartments facing the canal. To a large extent the current proposal reflects this approach.
- 10.20 The scheme has been designed so as to step down from west to east with the most prominent and large building – Block B – being located in the western portion of the site. The building would be larger than the adjacent, approved blocks and would be designed with the upper floor set back behind a parapet which will accommodate a roof terrace at 5<sup>th</sup> floor level. The proposed block has been amended so it now includes a pitched roof form. Despite the scale of the building, it is considered that the canalside offers a relatively large area of flat waterfront which would be able to accommodate the scale of the building as proposed without it overwhelming the local area. Whilst the building would be a large feature for users of the canal towpath, landscaping is proposed and there is fencing and a wall to reduce the impact the ground floor parking area may have on the towpath. The fact that block B is flanked by block A, which is three storey in height, means that the development

successfully scales down to Station Road to the east. On the western side the already approved block is 3.5 storeys and the height of the approved development progressively diminishes in height towards St Paul's Lock.

- 10.21 When viewed from Station Road, amendments which the applicant has made to the appearance of Block C significantly improve its appearance. The three storey element positioned closest to Station Road includes a pitched roof with the four storey part of the building set within the site comprising an asymmetric roof form. There are windows proposed on this elevation ensuring a positive relationship with the street. The undercroft parking area would be obscured by planting and fencing. Block A would also be visible from Station Road, this being three storeys in height. Whilst Block B would also be visible given its height; as it is proposed behind Block A from this viewpoint, the fact it is set back into the site means it would not appear as an overbearing and oppressive feature when viewed from Station Road.
- 10.22 Views of the site from Huddersfield Road which runs through Mirfield would be filtered by the existing library building, trees which run along Huddersfield Road and a change in levels between Huddersfield Road and the canal. Therefore, whilst there would be views of the development from Mirfield centre, the design and appearance would not be detrimental to the character and appearance of the main street running through Mirfield.
- 10.23 Comments have been made by local residents concerning the loss of trees on site. The proposal includes a landscaping scheme which would include new trees being planted along the site frontage; existing trees are not protected. Planting is also proposed within the site and along Station Road. Full details are to be secured via planning condition.
- 10.24 The applicant also proposes to enhance the canalside by providing planting and seating along the canal thus improving the quality of the environment for residents and users of the canal alike. It is proposed to secure full details via planning condition, but the intention is to continue the works that have already been carried out on the canalside in front of the adjacent development.
- 10.25 Overall the proposed development is considered to represent a high quality design in keeping with the adjacent development and sympathetic to the character and appearance of the area. The scheme has incorporated traditional architectural elements and would utilise materials to match the adjacent residential development. The proposed amendment to the scheme, which includes incorporating a pitched roof to all the apartment blocks, assists in assimilating the development with the local area. The scheme is considered to improve the canalside environment and this, coupled with the proposed improvement to the amenity space along the towpath, would ensure that the waterside environment was improved in accordance with policy R18 of the UDP.

#### *Public Open Space*

- 10.26 The proposed development does not include any public open space (POS). Policy H18 of the UDP requires 30sqm of Public Open Space per dwelling on development sites in excess of 0.4 hectares.
- 10.27 There is an area of land adjacent to the site accommodating a number of protected trees, to the rear of the Coop retail unit and the adjacent residential

development, which has planning permission for a change of use to a garden/amenity space together with associated landscaping, footpaths and seating area (planning reference – 2015/93074). This permission has not yet been implemented, nor was it a requirement of planning permission 2009/93133 for the adjacent residential development. The current application would provide a footpath link to this amenity space. However, this area of open space would only serve the occupiers of the proposed apartments as a private area of amenity space. Therefore, it would not form an area of POS.

10.28 The applicant has also upgraded the towpath to the canal frontage of the adjacent development (this was not a requirement of the planning consent). The current proposal intends to continue these improvements along the canal frontage by way of a scheme which has yet to be agreed with the Council and Canal and Rivers Trust (this could be conditioned). This would constitute a significant benefit as the canal towpath forms part of the core walking and cycling network and is an important piece of green infrastructure and improvements to this are advocated by policy PLP23 and PLP31 of the PDLP. In accordance with para 73 of the NPPF, the scheme provides access to high quality open spaces which can make an important contribution to the health and well-being of communities.

10.29 Nevertheless, having regard to the above, whilst improvements to the canal side are welcomed and would offset POS requirements to an extent, those improvements would not negate the need for a POS contribution in this case. The Council's landscape officer has commented on the proposal and based on the floor area of the proposed development, the development would generate a required contribution of £139,150 (£241,524 if a play area/equipment is included). The landscape officer has commented that Ings Grove Park and Mirfield Memorial Park is nearby and any contribution could go towards upgrading facilities at these areas of POS.

#### Neighbour Amenity Implications and Relationship with Surrounding Uses

10.30 Para 123 of the NPPF indicates that planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through use of conditions.

10.31 Policy BE12 of the UDP provides guidance on appropriate separate distances for dwellings. PLP24 of the PDLP requires developments to provide a high standard of amenity for future and neighbouring occupiers.

10.32 There are a number of residential properties on the opposite side of the canal, the rear and side elevations and gardens of which face the application site. The rear of no's 2 – 6 Brewery Wharf face the application site at a distance of approximately 21m from the rear garden of these properties to the facing elevation of Block A, and approximately 30m from the rear elevation of these properties to the facing elevation of Block A. Block A is a three storey building and whilst it is understood that balconies would face existing properties; the distances above are considered sufficient to ensure no unacceptable overlooking or loss of privacy. No 21 Brewery Wharf is closer to Block A but



the existing dwelling faces the site at a 90 degree angle and therefore, there would be no unacceptable overlooking or loss of privacy for existing habitants.

- 10.33 It is understood that Block B would be 5 storeys in height and include a roof terrace. However, it would be positioned approximately 45m from no's 2 – 6 Brewery Wharf at an oblique angle. There would be no unacceptable level of overlooking/loss of privacy given the distance involved.
- 10.34 Within the development it is accepted that there would be some overshadowing and potential loss of outlook for future occupiers within the southern elevation of Block C and Block D as they would face apartment blocks B and A to the south at a distance of 19m and 15m respectively. However, given that the proposal involves apartment blocks and there is an area of outdoor amenity space dedicated to this proposal, on balance it is considered that future occupiers would have access to amenity space despite potential impacts on their apartments.
- 10.35 The Canal and Rivers Trust have raised concerns with the scale of the development and the potential overlooking of the moorings on the canal. There are 5no mooring posts located along the banks of the canal adjacent to Block A and part of Block B with further moorings to the west close to the adjacent development. There are a number of other boats located at the side of the boat yard. There is no evidence to suggest that the existing moorings offer permanent residence; the mooring posts closest to Block A all appear to be for leisure use. The transient nature of canal users means that the effects on users of the moorings would be for a limited period and any impact should be weighed against the wider benefits of regenerating this part of Mirfield.

#### Highways and Traffic Implications

- 10.36 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.*

- 10.37 Vehicular access to the development would be provided from the existing junction on Station Road located to the north of the bridge which runs over the Calder and Hebble canal. The current proposals would utilise the existing access which served the Lidl supermarket and extend pedestrian provision along both sides of the access.
- 10.38 In terms of trip rates, the proposed apartments would generate approximately 6 trips during the AM peak and 8 trips during the PM peak. This is considered to be significantly less than the previous Lidl store at peak times

and throughout the day. The community building and pool would generate a relatively low number of trips with access taken via the existing car park access to the north.

- 10.39 In terms of parking provision, the proposed parking provision for apartments would be 100% plus 16 visitor spaces which is slightly less than the UDP parking standards recommendations (a total of 86 spaces are proposed). Parking for the community facility and pool would be provided by the existing car park to the north.
- 10.40 Highways DM have assessed the proposal and consider that, given the sustainable location in Mirfield town centre and that sufficient off-street parking and internal refuse vehicle turning is proposed and that this proposal is not anticipated to be a significant traffic generator, the proposals are considered acceptable from a highways point of view and no objections are raised.

### Flood Risk and Drainage

- 10.41 Para 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. On the basis that the site lies in Flood Zone 1 (lowest risk of flooding from rivers or the sea), a sequential test is not required in this case.
- 10.42 The submitted Flood Risk Assessment (FRA) considers the risk of flooding from various sources including rivers, groundwater, artificial sources and surface water.
- 10.43 It is proposed to utilise drainage by soakaways which will be located in rear gardens and within the highway. The Council's drainage officer has assessed the proposal and raises no objection in principle subject to the imposition of appropriate conditions. The National Planning Practice Guidance (NPPG) states that the aim of a drainage scheme should be to discharge run-off as high up the hierarchy as practicable:
- 1 – into the ground (infiltration)
  - 2 – to a surface water body
  - 3 – to a surface water sewer, highway drain, or another drainage system
  - 4 – to a combined sewer
- 10.44 The site falls within flood zones 1, 2 and 3. Flood zone 3 is at the western end of the site with flood zone 1 being at the eastern end. The extent of flood zone 3 is very limited whilst flood zone 2 extends over 60% of the remainder of the site. The site is not considered to form part of the designated flood plains and is therefore designated as Flood Zone 3a at the western end. Part of the site may be considered to be at risk from fluvial flooding from rivers or sea for the 1 in 100 year event and most of the remaining site for the 1 in 1000 year flood event.
- 10.45 The blocks are all designed so that the residential elements are all at first floor level i.e. floor levels around 49m AOD or above which is well above the 1 in 100 and 1 in 1000 flood level. The access into these buildings are all at a level

of 46.15 or above and therefore not affected by flood events up to the 1 in 100 year event.

- 10.46 There is a requirement to reduce run-off from the site by 30% and this would be achieved by provision of attenuation storage with a hydraulic flow control device. The applicant states that surface water would discharge into the combined sewer. However, a condition is required in order to detail full drainage details and appropriate investigation of surface water discharge so that water is disposed as high up the hierarchy as practicable. Yorkshire Water and the Lead Local Flood Authority (Council Drainage) raise no objections subject to final details being agreed. The scheme is considered to comply with PLP28 of the PDLP and the NPPF.

#### Ecological Issues

- 10.47 UDP policy EP11 requires that application incorporate landscaping which protects/enhances the ecology of the site. PDLP policy PLP30 states that the Council will seek to protect and enhance the biodiversity and geodiversity of Kirklees, including the range of international, national and locally designated wildlife and geological sites, habitats and species of principal importance and the Kirklees Wildlife Habitat Network.
- 10.48 The applicant has submitted an ecology report and additional detail concerning the potential for bats to be roosting on site. The Council's biodiversity officer has assessed the proposal and considers roosting bats are unlikely to be a constraint at the site. However, the canal side location of the site means that there is potential for significant ecological enhancement. Consequently, conditions are recommended concerning sensitive lighting, landscaping and an ecological enhancement and management plan. The application is considered to comply with policy EP11 of the UDP and PLP30 of the PDLP.

#### Heritage Issues

- 10.49 Section 66 (1) of the Listed Buildings Act states "in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". Para's 126-141 of the NPPF are relevant to the determination of applications affecting heritage assets.
- 10.50 There are a number of Grade II listed assets within proximity of the site. St Paul's church lies 60m to the north west of the site but views of the church are obscured by the adjacent permitted apartment development (2009/93133). It is considered that the impact on the setting of the church is limited by the intervening buildings and therefore, there would be less than substantial harm to the setting of the listed building. This harm should be weighed against the public benefits of the scheme.
- 10.51 The lock gates further along the canal approximately 110m to the north west are Grade II listed but there is considered to be minimal impact on the setting of this structure.

## Planning Obligations and Developer Contributions

- 10.52 In accordance with para 204 of the NPPF planning obligations should only be sought where they meet the following three 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.
- 10.53 In circumstances where a developer considers that there are site-specific issues which would mean the effect of policy requirements and planning obligations would compromise development viability, paragraph 173 of the NPPF states that in order to ensure viability, the costs of any requirements for affordable housing, standards, infrastructure and other requirements should provide a competitive return to a willing landowner and development to enable the development to be delivered.
- 10.54 Paragraph 176 makes clear that where safeguards are necessary to make development acceptable in planning terms, and these safeguards cannot be secured, planning permission should not be granted for unacceptable development.
- 10.55 The applicant has submitted a viability appraisal. In short, this states that the costs of abnormal works to deliver the development, coupled with planning policies which require a monetary contribution towards affordable housing and open space, would render the scheme unviable.
- 10.56 PDLP policy PLP11 offers some flexibility in allowing a reduced affordable housing contribution if it can be demonstrated that the viability of a scheme would be unacceptably affected. In this case, the submitted viability appraisal has been assessed by the Council's appointed surveyor and it is concluded that the provision of affordable housing in this case would deem the scheme unviable. In addition, the Council's appointed surveyor noted that the scheme would be eligible for vacant building credit which would remove their liability for affordable housing in any event. Therefore, the scheme is considered to comply with policy PLP11 as viability issues have been demonstrated.
- 10.57 In respect of open space, there is a requirement to provide sufficient POS on site or make an off-site contribution in accordance with H18 of the UDP. The applicant is providing an area of private amenity space within close proximity of the site for use by future residents. In addition, improvements are proposed to the canal in order to improve the quality of the local walking and cycling network. It is considered that existing provision locally and improvements proposed along with the fact that the scheme would not be viable if an off-site contribution was sought, satisfactorily negates the need for on-site/off-site provision in this case.
- 10.58 Given the tenure of the occupiers of the proposed development, no education contribution is required in this case.
- 10.59 The proposed development has been considered against the requirements of paragraph 173 of the NPPF and financial contributions are not required as part of this application.

## Other Matters

- 10.60 The application was accompanied by a phase I/II report which stated that the site was uncontaminated. Environmental Health has assessed the report and raises no objections.
- 10.61 In respect of air quality, the application has been assessed against the West Yorkshire Low Emission Strategy Planning Guidance. In accordance with the guidance the installation of 1no electric charging point is required per unit or 1 charging point per 10 spaces and this would be secured by planning condition.

## **11.0 CONCLUSION**

- 11.1 The application site lies on a brownfield site which has recently been used as a supermarket and associated car park. The site constitutes an area of land unallocated on the UDP and the PDLP. The Council are unable to demonstrate a five year housing land supply and the NPPF seeks to boost significantly the provision of housing. The proposed development offers a needed, high quality type of accommodation for the over 55's and an area of floorspace for community use. The site is accessible to local facilities. These aspects weigh significantly in favour of granting planning permission.
- 11.2 The proposed development proposes relatively large apartment blocks set on the canal side. Despite the large scale, the scheme has been designed in keeping with local vernacular and is scaled down so that it is less prominent where it meets Station Road to the east. The prominent, statement building proposed on the canal frontage is considered to be well designed. Overall, the design of the scheme is considered to represent high quality in accordance with policies BE1, BE2 and R18 of the UDP and PLP24 of the PDLP.
- 11.3 In terms of amenity, some impacts have been identified, particularly the impact on the leisure mooring located at the canal side and the amenity of some of the occupiers of future occupiers of the apartments within blocks to the rear of the site. However, given the transient nature of canal users and the wider benefits the regeneration of the site would bring, impact on amenity is not considered to represent significant and demonstrable harm.
- 11.4 The applicant has submitted a viability appraisal which confirms that affordable housing and POS contribution requirements would render the scheme unviable. There is some flexibility built in to emerging policy PLP11 which means that affordable housing provision is not considered necessary. Given that there are some improvements proposed to the canal towpath and there is access to existing private amenity space and pedestrian links to the canal; a POS contribution is not considered necessary in this case.
- 11.5 The relatively minor impact on the setting of St Paul's Church, which is considered less than substantial in NPPF terms, is considered to be outweighed by the public benefits associated with redeveloping this site for the housing type proposed.
- 11.6 All other matters concerning flood risk, highways, heritage, ecology and landscaping have been suitable addressed. There are no adverse impacts of granting planning permission which would significantly and demonstrably

outweigh the benefits. Overall the proposal constitutes a sustainable form of development.

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

- 1. 3 years**
- 2. Materials**
- 3. Drainage details**
- 4. Details of boundary treatments**
- 5. Landscaping plan**
- 6. Lighting details**
- 7. Biodiversity enhancement**
- 8. Structural report concerning canal retaining wall**
- 9. Contaminated land conditions**
- 10. Construction management plan**
- 11. Full details of balcony detailing and roof terrace screening**
- 12. Noise report**
- 13. Details of pedestrian access and gradients from car park**
- 14. Turning facilities to be provided**
- 15. Cycle storage**
- 16. Gates to be set back**
- 17. Canal improvement scheme including full details of implementation and date**
- 18. Amenity garden space 2015/93074 to be provided prior to occupation**
- 19. Occupancy restriction – over 55's.**

**Background Papers:**

Application and history files.

Website link to be inserted here

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

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## Report of the Head of Strategic Investment

### STRATEGIC PLANNING COMMITTEE

Date: 30-Nov-2017

**Subject: Planning Application 2017/93326 Outline application for erection of residential development (62 dwellings) and formation of new access to Woodhead Road Land off Woodhead Road, Brockholes, Holmfirth**

#### APPLICANT

Tim Williams, Miller  
Homes Limited

#### DATE VALID

27-Sep-2017

#### TARGET DATE

27-Dec-2017

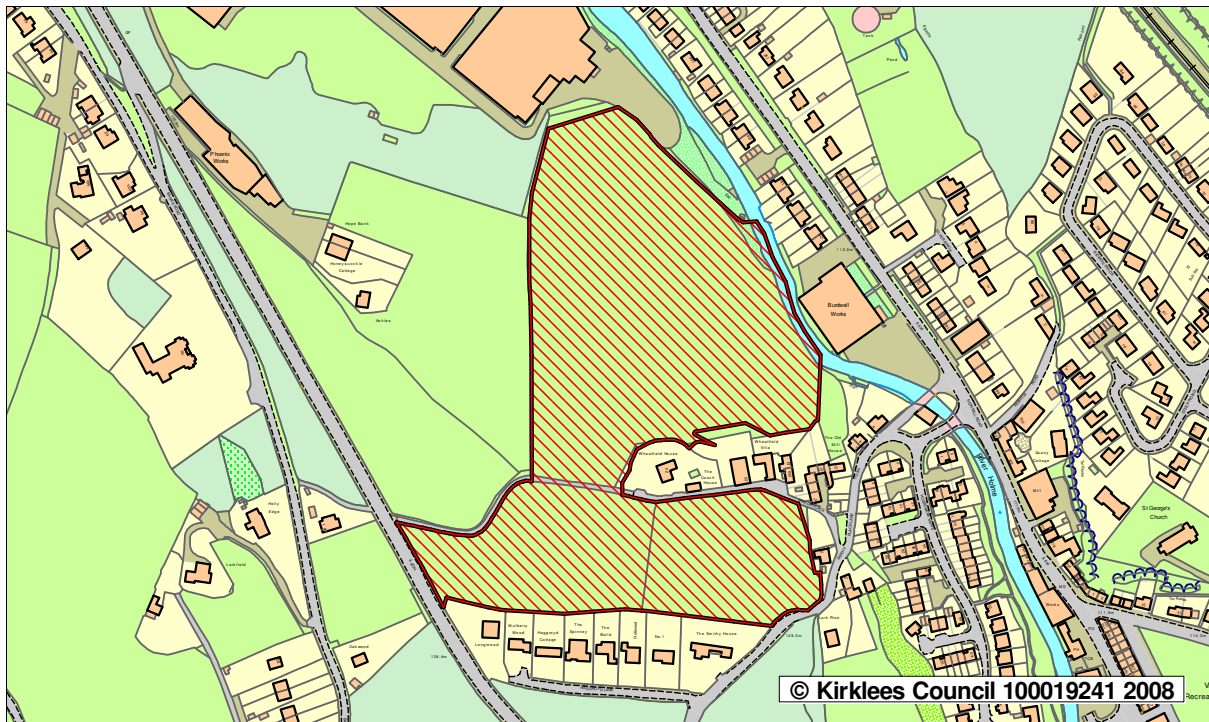
#### EXTENSION EXPIRY DATE

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

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

#### LOCATION PLAN



Map not to scale – for identification purposes only

**Electoral Wards Affected: Holme Valley North**

Yes

Ward Members consulted  
(referred to in report)

**RECOMMENDATION:  
REFUSE FOR THE FOLLOWING REASONS:**

**1. The proposed access arrangements for the development site would significantly harm highway safety and efficiency and as such the development is contrary to Policies T10 and BE1 of the Kirklees Unitary Development Plan, policy PLP21 of the Kirklees Publication Draft Local Plan and paragraph 32 of the National Planning Policy Framework. The harm to highway safety is not outweighed by any other material considerations, thus the proposal constitutes an unsustainable form of development.**

**2. In the absence of a completed Section 106 agreement the development fails to provide for Educational requirements, affordable housing provision, public open space and travel planning requirements.**

**1.0 INTRODUCTION:**

1.1 This application is a resubmission of planning application 2016/92181 which was refused for the following reasons on 7<sup>th</sup> February 2017:

1. *The proposed access arrangements for the development site would be detrimental to highway safety and efficiency in this location. The harm to highway safety is not outweighed by any other material considerations.*
2. *In the absence of a completed Section 106 agreement the development fails to provide for Educational requirements, affordable housing provision, public open space and travel planning requirements.*

1.2 This application was an outline submission involving the erection of up to 116 dwellings.

1.3 The applicant exercised their right to appeal the above decision and the appeal is now in progress. A decision has not yet been made on the appeal.

**2.0 SITE AND SURROUNDINGS:**

2.1 The site is split into two open grassed fields that lie to the east of Woodhead Road. The fields are bounded by lines of mature trees along field boundaries and there are also a number of individual large mature trees within the fields. Many of these trees are protected. Three public rights of way (footpaths)



converge within the southern part of the site and link Smithy Place Lane and Woodhead Road.

2.2 Towards the north of the site are large commercial premises and to the west is the River Holme with housing and a commercial site beyond. To the south is residential development with the site also surrounding a small row of houses on Smithy Place Lane.

2.3 The site lies approximately equidistance between Thongsbridge and Honley on fields which are undulating in nature, which slope away from Woodhead Road.

### **3.0 PROPOSAL:**

3.1 Outline application for erection of residential development (62 dwellings) and formation of new access to Woodhead Road.

3.2 The application seeks approval for the access only by means of a new junction off Woodhead Road. The indicative internal layout has been designed with a principal spine road running into the site from Woodhead Road, with a hierarchy of roads branching off the main spine road, providing access to properties across the site. The indicative layout is not for consideration as part of this application.

3.3 The current application involves a smaller site than that previously proposed under outline planning application 2016/92181. The application site now excludes an area of land to the west, which has the benefit of an extant grant of outline consent for residential development (2013/93373).

3.4 The applicant states that the development would have a maximum density of 33 dwellings per hectare with dwellings being up to a maximum height of 2.5 storeys.

3.5 The proposed access would front Woodhead Road. The proposed access would be 5.5m wide with 2.0 wide footways on both sides of the carriageway. The northern radii would be 6m and the southern radii 6m into a 26m to accommodate refuse vehicles turning left out of the site. The footways continue, at a width of 1.5m – restricted by the existing dry stone wall, along the site frontage with the A6024 Woodhead Road and terminate adjacent to the pedestrian facilities proposed on the A6024 Woodhead Road, as part of the proposed site access junction layout.

### **4.0 RELEVANT PLANNING HISTORY:**

4.1 2016/92181 – Outline application for erection of residential development (116 dwellings) and formation of new access to Woodhead Road - Land off, Woodhead Road, Honley, Holmfirth – refused.

2013/93373 Outline application for residential development – Conditional outline permission (all matters reserved) – *This planning permission is on land immediately adjacent to the application site. This planning permission included the provision of a 'right turn lane' to ensure safe site access. There are further details contained in the Highways section of this report.*

2017/92568 - Erection of 70 residential units (C3) and associated parking with vehicular access from Woodhead Road – currently under consideration - *This planning application is on land immediately adjacent to the application site.*

- 4.2 The site of the above application forms part of the current application site. The application indicated that there would be up to 51 dwellings served by a new access off Woodhead Road.

## **5.0 PLANNING POLICY:**

- 5.1 The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007). The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

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

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

The site is allocated as Provisional Open Land (POL). The site comprises the a large POL allocation with an area to the north and west excluded. Part of the western boundary adjoins a green corridor.

Relevant policies are:

BE1 – Design principles  
BE2 – Quality of design  
BE12 – Space about buildings  
BE23 – Crime prevention  
D5 – Provisional open land  
D6 – Land adjoining green corridor  
EP4 – Noise sensitive development  
EP10 – Energy Efficiency  
EP11 – Ecological landscaping  
G6 – Land contamination  
H1 – Housing needs of the district  
H10 – Affordable Housing  
H12 – Arrangements for securing affordable housing  
H18 – Provision of open space  
NE9 – Retention of mature trees  
T10 – Highway safety

T16 – Pedestrian routes  
T19 – Parking standards  
R13 – Rights of way

Kirklees Draft Local Plan Strategies and Policies (2017):

PLP3 – Location of New Development  
PLP7 – Efficient and effective use of land and buildings  
PLP11 – Housing Mix and Affordable Housing  
PLP20 – Sustainable Travel  
PLP21 – Highway safety and access  
PLP22 – Parking  
PLP24 – Design  
PLP27 – Flood Risk  
PLP28 – Drainage  
PLP30 – Biodiversity and Geodiversity  
PLP32 – Landscape  
PLP35 – Historic Environment  
PLP48 – Community facilities and services  
PLP51 – Protection and improvement of local air quality  
PLP52 – Protection and improvement of environmental quality  
PLP61 – Urban Green Space  
PLP62 – Local Green Space  
PLP63 – New Open Space

5.4 Supplementary Planning Guidance:

- Providing for Educational needs generated by new housing
- Interim Affordable Housing Policy
- West Yorkshire Air Quality and Emissions Technical Planning Guidance
- Kirklees Landscape Character Assessment (2015)
- Kirklees Housing Topics Paper (2017)
- Kirklees Council Housing Allocations – Accessibility Assessment (March 2015)
- Planning Practice Guidance

5.5 National Planning Guidance:

National Planning Policy Framework: Paragraph 49 requires that housing applications be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. The NPPF also considers issues relating to design, highway safety, amenity considerations, flood risk, pollution and contamination.

**6.0 PUBLIC/LOCAL RESPONSE:**

6.1 The application was advertised by neighbour letter, newspaper advertisement and site notices. A total of 16 objections have been received.

6.2 Representations summarised as follows:

- Highway Safety. The access to the development from Woodhead Road will be unsafe. The access point is too close to the cross roads at Woodhead Road and Smithy Place Lane. The close proximity of the cross roads will be unsafe.

The access to the development from Woodhead Road will be unsafe as it is too close to a bend to the SE on Woodhead Road. This is a fast road, where speeding is common. There have been fatal accidents at the Woodhead Road and Smithy Place Lane junction previously, the new development will exacerbate existing problems and replicate them with a further dangerous junction.

Highway Safety. The proposed development does not consider the increased traffic that will be generated on Smithy Place Lane. This is already a very narrow road without any pedestrian provision. It is a key route to many in the area and will be the natural route for new residents to access local schools, the train station, the M1, Leeds, Sheffield, Wakefield Barnsley, The South, the East, the A1 and other local amenities including schools.

Highway Safety. The development does not adequately consider access to New Mill Road. It would be better to build a new bridge across the River Holme and access the development from the north.

Loss of amenity of neighbouring properties. The proposal would adversely affect the amenity of our property. The proposed plot 14 directly abuts our property with the new house being proposed directly on our boundary. This is not sympathetic. Our back garden would be significantly overlooked affecting our privacy. This is in the only section of our garden that gets consistent sun.

Loss of amenity of neighbouring properties. – views. The development will adversely affect our views.

Inappropriate density. There are too many properties planned. The density proposed is too great, out of character with the area. The impact of local schools, especially primary, and of other local facilities has not been adequately considered.

Adversely affect character of neighbourhood. The proposed development will adversely affect the character of the local neighbourhood, particularly the unique setting of the properties on Smithy Place and Smithy Place Lane. The setting of these historic dwelling will be lost within the larger conurbation, particularly considering the previous impact of Holmebank Mews.

The development does not consider the other proposals immediately adjacent to the NW by the same developer.

Adversely affect the amenity of the neighbourhood. The development will destroy the character of Smithy Place, (sometimes seen on maps as Moyers Lane). This is a popular lane with local families, and walkers, cyclists, horse

riders, and walking groups. The lane is quiet with car traffic only from residents. The development access crosses this lane and so will adversely affect safety of the users of the existing lane.

Highway Safety. The development is not clear on how traffic will be prevented from turning onto Smithy Place without stopping up the access to Smithy Place. Residents of Smithy

- On December 1 st 2016 Highways refused planning permission for the 116 Miller Homes development 2016/92181 Reference 612002 . This refusal was given primarily due to the access point of the proposed road being unsuitable coming out of the field directly onto the Woodhead Road . It stated that the number of cars directly attributable to the Miller development would have made the volume of traffic going onto the Woodhead Road highly dangerous.

Currently less than a year later Miller Homes development 2017/93326 has been submitted and it appears to have an identical footprint to the earlier site with the access to the road in exactly the same place. Half the number of houses has been submitted with a purple dotted box which "Provides adopted highway to site boundary to serve adjoining future development"

If in fact this were to be the case and those additional houses were built at a later date it would take the number of houses on this development to not just 62 but in the longer term over 120 dwellings.

Having lived here for 25 years I feel that the residents of the proposed site will primarily gravitate to the amenities in Brockholes . The school is excellent and with nursery and out of school club provisions these will attract the new families . Also with shops / churches and take aways and access to the A616 and M1 directions the heaviest of the traffic will use Smithy Place Lane as their preferred route . ( if only to avoid the heavily congested junction with traffic lights at Honley Bridge )

This lane is already used as a "cut through" with heavy traffic and highly dangerous. My son was hit on the hairpin bend on Smithy Place Lane in 2014 by an uninsured driver. I have attended other similar accidents ... These may not appear on police records but they are many ... Similarly , over the years there have been many incidents at the cross roads where Smithy Place meets the Woodhead Road ... Including one where I witnessed a boy being hit while crossing .

The lack of pavements on Smithy Place Lane also make it hazardous for pedestrians. I walked to school when my children were young and I walk my dogs now but it is very dangerous .

I do believe that Smithy Place Lane should be designated as one way should any future development be considered. This would be highly inconvenient for

the residents and many others but I truly believe that it would be for the safety of everyone.

- I have family living on Smithy Place and my concerns are the same as those about the application for adjacent land and the 2016 application for the land. The site is adjacent to Brockholes, being much closer to Brockholes than Honley. There is no direct vehicular access from the site to Brockholes, forcing traffic to use Smithy Place Lane. This is the same for commuter traffic to South Yorkshire and the M1 South. Smithy Place Lane has several hundred metres of mixed vehicle and pedestrian traffic without any segregation- ie no pavements - and some of this is single track around blind bends. The junction at the top of Smithy Place Lane with Woodhead Rd has been the scene of a RTA fatality in recent years. I have presented photographs showing this with my previous objections. In consequence I believe to go ahead with this development would present real dangers and would be criminally negligent.
- The plans show a road crossing Smithy Place which is a well-used public footpath. This will endanger users of this footpath.

The access road joins Woodhead Road at a point where the visibility, especially from the Holmfirth direction, is limited. Woodhead Road is a very busy road and this will have an impact on road safety.

There will be a significant increase in the number of cars using Smithy Place Lane. This lane is a single track road which has 2 blind bends on it and no footpath. The increase in traffic is a serious concern for both the safety of pedestrians as well as vehicles.

This application in conjunction with application number 2017/92568 is basically a re-working of the application submitted last year which was rejected. The 2 applications should be viewed as 1 application in terms of the impact on the area.

The plans show some of the houses abut directly onto existing properties, overlooking the properties.

Deer have been seen in the fields which are part of the application and this puts their habitat at risk.

- No capacity on Smithy Place Lane to access Brockholes Primary School at the busiest times.
- A number of trees across the site have a tree preservation order.

## **7.0 CONSULTATION RESPONSES:**

### **7.1 Statutory:**

K.C. Highways: - Object. Full details set out in the remainder of this report.

Environment Agency: - No objection.

K.C. Lead Local Flood Authority: – No comments received.

## 7.2 **Non-statutory:**

K.C. Environmental Health: - No objections subject to conditions

K.C. Conservation & Design: - No objection.

K.C. Trees Section: - Object due to impact on trees within the site.

K.C. Landscape Section: – No comments received. Will be reported as an update.

K.C. Strategic Housing: – There is a need for affordable housing in this housing market area and affordable housing should be secured as part of the planning process.

K.C. School Organisation & Planning: – A financial contribution of £141,439 is required towards school funding

Yorkshire Water: - No objection subject to conditions.

WY Police Architectural Liaison Officer: – Advice provided on crime prevention measures to be submitted at reserved matters stage.

## 8.0 **MAIN ISSUES**

Principle of Development  
Impact on Character of Surrounding Area and Landscape  
Residential Amenity  
Highways and Traffic Implications  
Flood Risk and Drainage  
Ecology and Biodiversity  
Planning Obligations and Community Benefits  
Other Matters  
Conclusion

## 9.0 **APPRAISAL**

### 9.1 Principle of development

9.1 Planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is one such material consideration. The starting point in assessing any planning application is therefore, to ascertain whether or not a proposal accords with the relevant provisions of the development plan, in this case, the saved policies in the Kirklees Unitary Development Plan, 1999 (UDP). If a planning application does not accord with the development plan, then regard should be had as to whether there are other material considerations, including the NPPF, which indicate that planning permission should be granted.

9.2 The NPPF is a Government statement of policy and is therefore, considered an important material consideration especially in the event that there are policies in the UDP which are out-of-date or inconsistent with the NPPF.

Paragraph 215 of the NPPF reinforces that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.

- 9.3 It is clear that the NPPF seeks to “*boost significantly the supply of housing...*” (para 47). Para 47 then goes on to describe how local authorities should meet the full objectively assessed need for market and affordable housing. This requires a range of measures including ensuring a deliverable five year supply of housing. Para 49 states that “*housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*”.
- 9.4 As evidenced in recent appeal decisions (eg. APP/Z4718/W/16/3147937 - Land off New Lane, Cleckheaton), the Council are falling foul of their requirement to ensure a five year housing land supply by a substantial margin. This is important in the context of paragraph 14 of the NPPF.
- 9.5 Para 14 of the NPPF states that for decision-taking, the presumption in favour of sustainable development means:
- Approving development proposals that accord with the development plan without delay, and
  - Where the development plan is silent, or relevant policies are out-of-date, granting planning permission unless:  
*Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole; or  
Specific policies in the Framework indicate development should be restricted.*
- 9.6 As the Council are unable to demonstrate a 5 year housing land supply as required by para 49 of the NPPF, relevant policies relating to housing are considered to be out-of-date. Indeed, the housing land supply shortfall is substantial and falls below 3 years. Whilst the Council have submitted the emerging Local Plan for examination which, for housing purposes, is predicated on the basis of a five year housing land supply; the Local Plan has not been through examination, nor has it been adopted. Therefore, it is currently the case that the Council are unable to identify a five year supply of specific deliverable housing sites against the requirement.
- 9.7 Based on the above, there is a presumption in favour of sustainable development and planning permission should only be refused where there are adverse impacts which would significantly and demonstrably outweigh the benefits.
- 9.8 The site is allocated as Provisional Open Land (POL) on the UDP. Therefore, policy D5 is applicable in this case:

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



- 9.9 It is considered that policy D5 is not a policy for the supply of housing in respect of the way in which it relates to paragraph 49 of the NPPF. Therefore, policy D5 is considered to be up to date.
- 9.10 The proposed development is clearly at odds with policy D5 of the UDP partly because the scheme of housing development fails to maintain the character of the land as it stands and fails to retain the open character. The proposed development constitutes a departure from the development plan.

*Emerging Local Plan*

- 9.11 In respect of the emerging Local Plan, the Publication Draft Local Plan (PDLP) was submitted to the Secretary of State on 25th April 2017 for examination in public. The site forms a housing allocation (H129) 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.
- 9.12 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).*

- 9.13 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.*

- 9.14 Given the scale of the development proposed when assessed against the wider context of the PDLP the application could not be deemed to be premature as the proposed development, by virtue of its relatively small 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 housing allocation (H129) has received a substantial number of unresolved objections and this is considered to reduce the weight afforded to the housing allocation in the emerging Local Plan. In short, limited weight is afforded to the emerging housing allocation in this case.

- 9.15 In the PDLP the housing requirement is set out at 31,140 homes from 2013 – 31 to meet identified needs. This equates to 1730 homes per annum. The Council’s current supply position is detailed in the Housing Topics Paper (2017) and this also includes the number of dwellings built since the emerging Local Plan base date of 1<sup>st</sup> April 2013. There has been persistent under-delivery:

Year	Net annual housing completions	Local Plan requirement	Completions compared to Local Plan requirement
2013/14	1,036	1,730	-694
2014/15	666	1,730	-1064
2015/16	1,142	1,730	-588
Total	2,844	5,190	-2,346

- 9.16 The PDLP includes the application site as a housing allocation and is therefore, a site which the Council consider appropriate for housing. The site allocation in the PDLP includes the current application site and the site adjacent which has outline planning permission for residential development (2013/93373). The current application effectively involves the subdivision of this allocation. However, as stated above, limited weight is afforded to the emerging housing allocation due to the unresolved objections to the allocation.
- 9.17 If the emerging Local Plan was to be adopted in its current form, the Council would be able to demonstrate a five year housing land supply. However, the PDLP has not been through examination and as it stands the Council is a substantial way off being able to demonstrate a five year housing land supply and housing delivery has persistently fallen short of the emerging Local Plan requirement. This triggers the presumption in favour of sustainable development as advocated by para 14 of the NPPF.

Impact on Character of Surrounding Area and Landscape

- 9.23 Section 11 of the NPPF sets a wide context to conserving and enhancing the natural environment and requires that valued landscapes are protected and enhanced and requires that the level of protection is commensurate with the status and importance of the landscapes.
- 9.24 Policy BE1 of the UDP requires that all development should be of good quality design such that it contributes to a built environment. Policy BE2 states, amongst other matters, that new development should be designed so that it is in keeping with any surrounding development. Policy BE11 of the UDP

requires that new development should be constructed in natural stone of a similar colour and texture to that prevailing in the area. Policy PLP24 of the PDLP requires that good design to be at the core of all planning decisions.

- 9.20 The scale, layout, appearance and landscaping of the site are all reserved matters. An indicative layout has been submitted which shows a mixture of detached, semi-detached and terraced dwellings set around a series of estate roads.
- 9.21 On issues of urban design officers are satisfied that an acceptable scheme could be brought forward that complies with relevant local and national planning policies. As part of this it would be necessary to consider mitigating the visual impact of continuous areas of parking to the front of some of the houses and the physical separation between dwellings to ensure that the built form provides a sense of openness. The inclusion of mature trees and pockets of landscaping are a benefit to the general design of the development.
- 9.22 The proposal essentially forms an extension of the village of Brockholes, albeit partially separated by a river, and in broad terms officers are satisfied that a development could be provided without significantly impacting on the landscape. The concerns that have been raised around the loss of this open space and a reduction in physical separation between the built-up areas of Brockholes and Honley are acknowledged. However, there remains a substantial wedge of Green Belt land between the site and the Honley settlement boundary and it is considered that this prevents a sense of the two villages merging. The development would bring about a concentrated built form closer to the established ribbon development towards the west of the site but these existing properties would remain as more isolated dwellings within the Green Belt that are distinct from the built up part of Brockholes.

#### Residential Amenity

- 9.21 Para 123 of the NPPF indicates that planning policies and decisions should aim to:
- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
  - mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through use of conditions.
- 9.22 Policy BE12 of the UDP provides guidance on appropriate separate distances for dwellings. PLP24 of the PDLP requires developments to provide a high standard of amenity for future and neighbouring occupiers.
- 9.24 There a number of residential properties adjoining the site. These are to the northwest and towards the south and southeast along Haggroyd Lane and Smithy Place. There are also a couple of properties towards the west of the site but these are on the opposite side of Woodhead Road and set up and back from the highway. The properties to the east on New Mill Road are set down from the site but are well separated by trees and have the River Holme lying in between.

- 9.25 The group of three dwellings that abut part of the northwest boundary of the site are predominantly screened by protected trees and the indicative layout demonstrates that acceptable separation distances can be provided to these existing properties.
- 9.26 Officers are broadly satisfied that acceptable separation distances can be achieved to all of the adjacent properties on Smithy Place subject to detailed consideration of scale and layout. It is noted that one of the dwellings on the indicative layout is very close to the rear garden boundary of 22/22a Smithy Place which is a potential concern.
- 9.27 The properties on Haggroyd Lane back onto an undeveloped part of the site (POS) and are screened by protected trees. These properties are therefore unlikely to be significantly affected.
- 9.28 Based on the indicative layout habitable windows within the development are reasonably well spaced and officers are satisfied that acceptable internal separation distances can be achieved.
- 9.30 A noise report has been submitted with the application and reviewed by Environmental Health. Officers agree with the report's conclusions that an acoustic barrier to protect the residents nearest Woodhead Road from road traffic noise is necessary (details would be necessary by condition). A sound insulation scheme (glazing/ventilation) designed to protect the amenity of the occupiers of the new dwellings which are closest to Hope Bank Works would also be required (details by condition).

#### Highways and Traffic Implications

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

*Plans and decisions should take account of whether:*

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

- 9.26 In terms of background, the previous outline application on this site for c.150 dwellings was refused on highways safety grounds with respect to the sites unsuitable access layout and development quantum, and configuration with the approved access arrangement with the adjacent site serving c.51 dwellings (plan ref: 2013/93373). Within the PDLP the application site is part of a wider Housing allocation which sits adjacent to a site which already has the benefit of planning permission (2013/93373) complete with a separate point of access which includes a 'right turn' lane. The current proposal would effectively subdivide the allocation. There is no reason in principle why

finding this site unacceptable on highways safety grounds would prejudice the comprehensive and acceptable development of the comprehensive housing allocation.

- 9.27 As it stands Woodhead Road has a distinct 'movement' function. The introduction of housing on this site would not significantly alter the character of the road given that the site is set down from Woodhead Road and therefore, the introduction of housing is not considered to significantly alter the way that Woodhead Road operates in terms of its function.
- 9.28 The proposal for 62 dwellings would be accessed off the start of a sweeping inside bend on the busy A6024 Woodhead Road and is forecast some 48 and 51 two-way vehicular trips in the 'pm' and 'am' peaks respectively. The proposed access arrangement would be a simple priority junction which would require the realignment of Woodhead Road to achieve improved visibility splays. A consequence of the road realignment would be to the removal of c.117m of on-road cycle lane.
- 9.29 The proposed access arrangement would be in the main featureless in that it would provide one pedestrian island to the north of the proposed access. This would be contrary to the layout for the approved residential site (plan ref: 2013/93373) adjacent to the application site and designed to serve both developments. The layout would provide a right turn lane, maintain the existing on-road cycle lane, a central island to the north of the access accommodate pedestrians, and a central island to the south to accommodate pedestrians and facilitate an acceptable sight line measured to centre of the carriageway.
- 9.30 Based on the information and data submitted and collected by HDM, the proposed access arrangement raises highway safety concerns in summary relating to:
- a) Accident trend/profile along the A6024 Woodhead Road both direction from the proposed site access to the junctions Mirey Lane, Thongsbridge, and Eastgate, Honley Bridge. Where 14 accidents have been recorded within the past 5 years from the 31st October 2017; 2 of which involved pedestrians, 7 involved cyclists, and 2 involved motorcyclists'. As such 11 out of the 14 recorded injury accidents involved vulnerable road users.
  - b) The site access arrangement which does not include a right turn lane on the A6024 Woodhead Road where observed two way flows are likely to incur queuing behind right turning vehicles into the site to the detriment of the free and safe flow of traffic.
  - c) The removal of c.117m of on-road cycle lane along the A6024 Woodhead Road to facilitate the proposed access arrangement and visibility requirements.

d) The substandard southern visibility splay from the site access which is measured to the centre line without the benefit of a physical feature (i.e. pedestrian island) to deter overtaking movements by northbound vehicles to the south.

e) The substandard forward stopping sight distance for northbound drivers on the A6024 Woodhead Road approaching stationary right turning vehicles into the proposed site.

f) The location of approved site access (plan ref: 2013/93373) located c.120m north of the proposed site access and the nature of the A6024 Woodhead Road with the proposed alignment/deflection through the junctions, the approved junction having features (right turn lane, cycle lane, and pedestrian islands) and the proposed junction having just one (pedestrian island); and the absence of any supporting information i.e. DMRB standard design criteria and Stage 1 Road Safety Audit.

As such and notwithstanding the absence of detailed qualitative information relating pedestrian and cycle accessibility to local facilities and public transport connections, the proposed access arrangement is considered to be substandard at this location on the A6024 Woodhead Road to the detriment of highway efficiency and safety. Whilst it is acknowledged that the current scheme reduces the amount of traffic movements utilising the proposed junction in comparison to refused planning application 2016/92181; the proposed access arrangement is considered to represent an unsafe and unsuitable access which would be severely detrimental to highway safety, in conflict with para32 of the NPPF and policy T10 of the UDP.

### Flood Risk and Drainage

9.31 Para 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. On the basis that the site lies in Flood Zone 1 (lowest risk of flooding from rivers or the sea), a sequential test is not required in this case.

9.27 The submitted Flood Risk Assessment (FRA) considers the risk of flooding from various sources including rivers, groundwater, artificial sources and surface water.

9.28 It is proposed to utilise drainage by soakaways which will be located in rear gardens and within the highway. The Council's drainage officer has assessed the proposal and raises no objection in principle subject to the imposition of appropriate conditions. The National Planning Practice Guidance (NPPG) states that the aim of a drainage scheme should be to discharge run-off as high up the hierarchy as practicable:

- 1 – into the ground (infiltration)
- 2 – to a surface water body

- 3 – to a surface water sewer, highway drain, or another drainage system
- 4 – to a combined sewer

- 9.29 In this regard, the proposal provides a scheme in accordance with the hierarchy and adheres to sustainable drainage good practice. Subject to detailed design Officers are satisfied that the site can be adequately drained. Kirklees Flood Management and Drainage have not commented on the current proposal but did not raise any objections to the previous application subject to conditions requiring approval of a detailed surface water drainage strategy. The drainage scheme will need to restrict the rate of surface water discharge from the site to a 5 litres per second per hectare. This restricted rate of run-off is also in line with comments made by the Environment Agency, who have no objections to the principle of development.
- 9.65 The Flood Risk Assessment (FRA) submitted with the application states that once detailed level design is carried out it could be the case that a surface water pumping station may be required for part of the site.
- 9.66 The FRA also states that further investigation into the mill race is required. The findings of these investigations should be used to inform the site layout and should therefore be carried out prior to submission of 'layout' at reserved matters stage. The findings may impact on the number of dwellings that can be accommodated because of the need to provide acceptable flood routing. Furthermore, an assessment of potential overland flow routes must also be carried out and used to inform the layout (a condition regarding this could be imposed).
- 9.67 Yorkshire Water was consulted on the application and raise no objections.

#### Ecology and Biodiversity

- 9.30 UDP policy EP11 requires that application incorporate landscaping which protects/enhances the ecology of the site. Emerging Local Plan policy PLP30 states that the Council will seek to protect and enhance the biodiversity and geodiversity of Kirklees, including the range of international, national and locally designated wildlife and geological sites, habitats and species of principal importance and the Kirklees Wildlife Habitat Network.
- 9.31 To the east of the site is the River Holme which forms a green corridor as allocated in the UDP. This stretch of river adjoins a Site of Scientific Interest just to the south of the site.
- 9.32 The application is accompanied by an ecology report. This concludes that the site consists of four semi-improved pasture fields that provide limited ecological value. The trees within and bordering the site provide some bat roosting and foraging habitat. Part of the site also provides a habitat for a protected species.
- 9.33 Officers are satisfied that a development could be brought forward that would avoid unacceptable impacts on biodiversity. As part of this it would be necessary for the preliminary ecological appraisal to influence the final layout of the site and for a Construction Environment Management Plan and a Landscape and Ecological Management Plan to be provided. A licence from

Natural England would be required to deal with the issue of a specific protected species.

9.34 In terms of trees, an objection has been received from the arboricultural officer regarding the loss of protected trees within the site (not those associated with the proposed access). At the time of writing this report this objection had not been resolved. However, it is noted that planning application 2016/92181 included the same indicative layout and no objections were raised at that time due to the potential loss of trees. In any event, these matters would need to be addressed as part of the reserved matters where the layout could be designed so as to minimise the impact on trees within the site as far as practicable.

9.34 Planning obligations and community benefits:

9.35 The application is accompanied by draft heads of terms for a S106 obligation. This covers the following matters:

9.36 Affordable Housing:

9.37 The applicant has offered to provide 20% of the total number of dwellings as affordable units.

9.38 It is considered that the affordable offer is acceptable, particularly in light of the emerging interim affordable housing policy which is based on the draft emerging Local Plan. The policy is underpinned up-to-date evidence of the viability of schemes within the District can likely afford were it is proposed to seek at least 20% of total dwellings on sites for affordable housing with a split of 55-45% social rented to sub market tenure.

9.39 Education:

The number of dwellings proposed is above the threshold for an education contribution. KC School Organisation & Planning advise that a contribution of £141,439 is required towards school funding in the area.

9.40 Public Open Space:

9.41 The site is over 0.4 ha and therefore triggers the requirement for the provision of public open space.

9.42 Ample space is available for on-site POS provision. This development also comes within the zone for existing equipped play facilities in Brockholes and for a development of this large scale, it is expected that an off-site lump sum for broadening these existing facilities would be provided [sum calculated once the on-site POS areas are designed]. That being said, the site offers opportunities for a variety of natural play provision.

9.43 Off-site highway works:

9.44 Financial contribution to the provision of speed warning signage on A6024 Woodhead Road in the vicinity of the site at a location(s) to be agreed with the



highway authority. Improvements to public footpaths within and in the immediate vicinity of the application site.

#### 9.47 Other Matters

9.48 Intrusive investigations are required to fully establish contamination issues with the land. This could be dealt with by conditions.

9.49 NPPF Paragraph 109 states that “the planning system should contribute to and enhance the natural and local environment by..... preventing both new and existing development from contributing to or being put at unacceptable risk from, amongst other things, air pollution...” On small to medium sized new developments this can be achieved by promoting green sustainable transport through the installation of vehicle charging points. This can be secured by planning condition.

### 10.0 CONCLUSION

10.1 Matters of principle in this case are considered acceptable. As guided by para14 of the NPPF, the tilted balance in favour of sustainable development applies in this case.

10.2 The proposed access arrangements for the development site that have been put forward by the applicant are considered to be unacceptable on highway safety grounds for the reasons set out in this report. The harm to highway safety is not outweighed by any other material considerations, including the boost to the supply of housing as well as the affordable housing offer and the cumulative benefits that could be provided through the S106 package. Consequently, the severe highways impacts associated with the proposed development is considered to conflict with the requirements of policies T10 and BE1 of the UDP and PDLP policy PLP21. The proposal is not a sustainable form of development and there is demonstrable and significant harm in this case which outweighs the benefits of the proposal. The application is not a sustainable development and conflicts with the Development Plan as a whole.

10.2 Matters of scale, layout, appearance and landscaping are reserved but officers are satisfied that on these issues an acceptable scheme could be brought forward that complies with relevant local and national planning policies.

10.3 In the absence of a signed Section 106 covering matters of education, affordable housing, greenspace and travel planning the application is also recommended for refusal on these elements.

### 11.0 Reason for refusal:

1. The proposed access arrangements for the development site would significantly harm highway safety and efficiency and as such the development is contrary to Policies T10 and BE1 of the Kirklees Unitary Development Plan, policy PLP21 of the Kirklees Publication Draft Local Plan and paragraph 32 of the National Planning Policy Framework. The harm to highway safety is not outweighed by any other material considerations, thus the proposal constitutes an unsustainable form of development.

2. In the absence of a completed Section 106 agreement the development fails to provide for Educational requirements, affordable housing provision, public open space and travel planning requirements.

**Background Papers:**

Application and history files.

Certificate of Ownership –

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## Report of the Head of Strategic Investment

### STRATEGIC PLANNING COMMITTEE

Date: 30-Nov-2017

**Subject: Planning Application 2016/92298 Outline application for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8) Former North Bierley Waste Water Treatment Works, Oakenshaw, BD12 7ET**

#### APPLICANT

M Naylor, Keyland  
Developments Ltd

#### DATE VALID

08-Jul-2016

#### TARGET DATE

28-Oct-2016

#### EXTENSION EXPIRY DATE

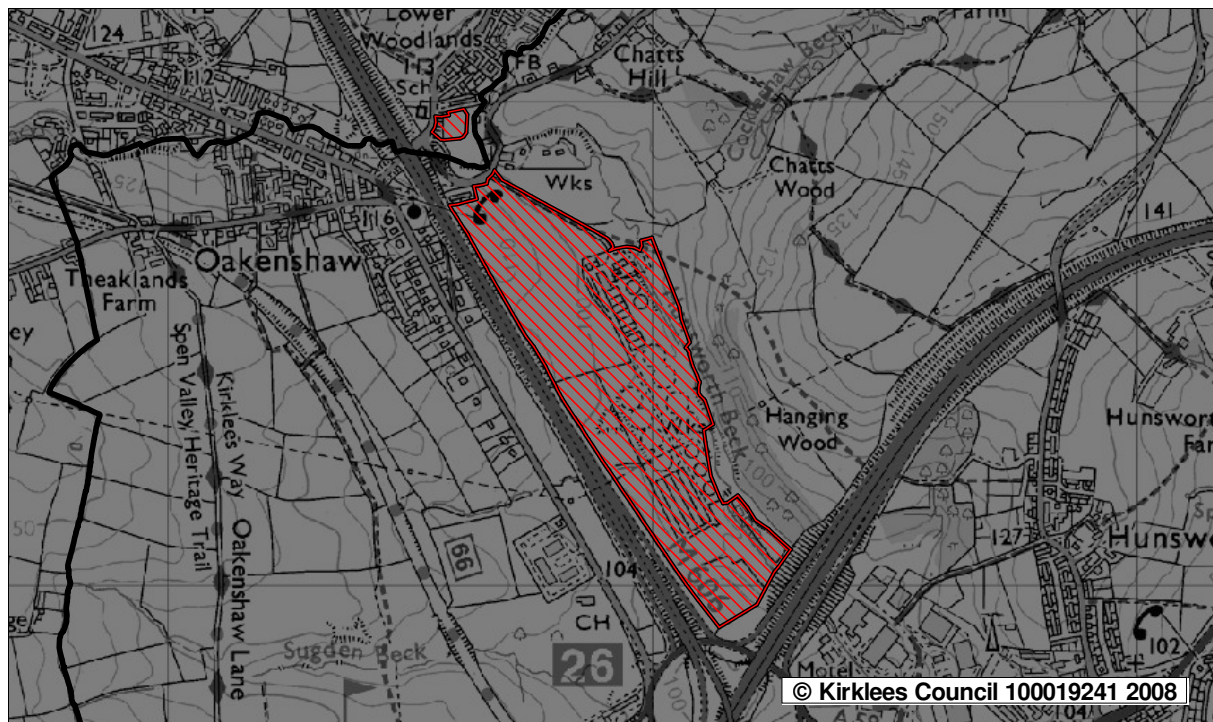
31-May-2017

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

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

#### LOCATION PLAN



Map not to scale – for identification purposes only

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**Electoral Wards Affected: Cleckheaton**

Yes

Ward Members consulted  
(referred to in report)

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**RECOMMENDATION: POSITION STATEMENT**

**For Members to note the content of the report and presentation and respond to the questions at the end of each section**

**1.0 INTRODUCTION:**

- 1.1 The application is brought to Strategic Committee as the proposed development would represent a departure from the Council's Unitary Development Plan.
- 1.2 The Council's Officer-Member Communication Protocol provides for the use of Position Statements at Planning Committees. They set out the details of the application, the consultation responses and representations received to date and the main issues with the application.
- 1.3 Members of the Committee will be able to comment on the main issues to help inform officers and the applicants. This position statement is not a formal determination, it does not predetermine Councillors and does not create any issues of challenge to a subsequent decision on the application by the Committee.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 The site is located to the southern edge of Bradford between Oakenshaw and Cleckheaton, approximately 15km north east of Huddersfield and 5km south of the centre of Bradford. The site is located off the junction the M606 and adjacent to junction 26 of the M62. The site has undulating topography occupying structures relating to the former waste water works (WWTW) and is bounded to the west by mature landscaping along the M606 with a gently sloping embankment and south by the M62. To the north and east is open land with a wildlife habitat network area beyond the site. Access to the site is taken from Cliff Hollins Lane to the north. There is public right of way which follows the existing access road and crosses the site in the north-eastern corner of the site.

The site covers an area of approximately 23.2 hectares comprising of brownfield land covering a large extent of the central part of the site towards the east which is occupied by the former WWTW structures and greenfield land within the north western part of the site.

### **3.0 PROPOSAL:**

- 3.1 The application as amended is submitted in outline with all matters reserved for the re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8). The supporting indicative details include plans showing parameters of where the proposed employment use/buildings are likely to be sited and where access to the site will be formed by utilising the existing access point shown to be realigned into the site with a spinal road shown running centrally within the site. The proposals although to be largely on the brownfield part of the site would involve extending onto an area of greenfield land, in the north west part of the site.

The application is for 35,284m<sup>2</sup> of B2 and B8 use with ancillary offices on a 30% B2 and 70% B8 split respectively including associated hard standing service yards and car park areas. The exact size, nature and location of the end users cannot be determined at this stage.

Whilst all matters are reserved the submitted information includes a parameter plan which demonstrates the maximum floorspace and building heights in accordance the requirements of the Environmental Impact Assessment (EIA). This indicates the maximum height and floor space of the proposed buildings/uses could be up to 18m high with a floor space of 35,284m<sup>2</sup>.

For information this is a cross boundary application as an application is submitted to Bradford Council for a new car park to provide 36 car park spaces for Woodlands C of E Primary School on a separate parcel of land which lies in the Bradford district north of the application site.

### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 None recent relevant applications

### **5.0 HISTORY OF NEGOTIATIONS:**

The applicants engaged in preapplication discussions with the LPA and undertook public consultation prior to the submission of the application.

11/08/16 – Acknowledgement of PROW running through the site

17/10/16 – applicant's agreement to pay for assessment of viability appraisal

21/10/16- Technical Addendum, which provides a response to comments raised in relation to the Transport Assessment

09/12/16 – meetings/negotiations with agent/applicant raising a number of issues

07/03/17- agents agreement to extension of time

26/05/17- brief outline concerns following the appraisal of the viability appraisal

10/10/17- preliminary revised master plan for discussions

02/11/17- formal submission of revised plans/details omitting residential element

09/11/17 – submission of revised Design & Access and Planning Statements.

21/11/17 – submission of Phase 1 report & revised parameters plan

## **6.0 PLANNING POLICY:**

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

**G1** - Regeneration will be secured through developments which strengthen and broaden the economic base and increase employment, improve infrastructure & secure the reuse of land

**G6** – Land contamination

**B1** - employment needs of the district will be met by providing land to accommodate the requirements of existing Kirklees businesses and the establishment of new businesses

**BE1** – Design principles

**BE2** – Quality of design

**BE11** – Building materials

**DL1** – Derelict and neglected land

**DL2** – Reclamation of derelict land

**EP4** – Noise sensitive locations

**EP11** – Ecological landscaping

**NE9** – Development proposals affecting trees

**R13** – developments affecting public rights of way

**T1** – Transport: Strategy

**T10** – Highway Safety

**T16** – Pedestrian access

**T19** – Parking standards

**DL1** – Derelict and neglected land

**DL2** – Reclamation of derelict land

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

**PLP1** – Presumption in favour of sustainable development

**PLP2** – Place shaping

**PLP3** – Location of new development

**PLP7** – Efficient and effective use of land and buildings

**PLP** – Strategic transport infrastructure

**PLP20** – Sustainable travel

**PLP21** – Highway safety and access

**PLP22** – Parking  
**PLP23** – Core walking and cycling network  
**PLP24** – Design  
**PLP28** – Drainage  
**PLP30** – Biodiversity & Geodiversity  
**PLP31** – Strategic Green Infrastructure Network  
**PLP32** – Landscape  
**PLP33** – Trees  
**PLP34** – Conserving and enhancing the water environment  
**PLP51** – Protection and improvement of local air quality  
**PLP53** – Contaminated and unstable land  
**PLP59** – redevelopment of brownfield site in the greenbelt

#### 6.4 National Planning Guidance:

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

#### 6.5 Other relevant guidance/documents:

Draft Local Plan Technical Paper: Employment (2017)

Kirklees Economic Strategy (2014) (KES) sets the district-wide vision for economic performance.

Leeds City Region Strategic Economic Plan 2016-2036 (2016) - sets out the economic vision for the City Region as a whole and is a key document in terms of informing the overall strategy to be taken in the Local Plan.

Kirklees Joint Health and Wellbeing Strategy

### **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 (press) of the revised proposals is due to expire on 8<sup>th</sup> December 2017.

A total of 91 representations were received on the initial scheme which included a total of 101 residential dwellings. Following revised plans omitting the residential part of the scheme a total of 7 representations are received to date. One of which is a letter in support the others are objections. The concerns raised are summarised below:

- Noise & light pollution during after hours to properties on Cliff Hollins Lane, these being in close vicinity and in direct view of the site

- Substantial increase in commercial, vehicles and employees of the company commuting to and from work, traffic going up and down Cliff Hollins Lane which is in effect a country lane
- increase in traffic would substantially exacerbate existing problems on the surrounding highways
- loss of semi rural area and having an impacting on the wildlife
- Access to and from the development falls into two areas; a) a new roundabout being introduced at the junction of Mill Carr Hill Road and Cliff Hollins Lane.
- The increase in traffic and footfall will endanger children's lives, it is too close to the entrance of the Primary School (adjacent to their playground) exposing them to toxic fumes, the addition of an extra car park and drop off point will encourage more cars to use the area.
- The junction between Mill Carr Hill Road and Bradford Road is already dangerous and has a record of major accidents over the years involving cars and HGV vehicles.
- Concerns over emergency access not only to the new development but also the existing communities.
- The site is still constrained by the high-pressure gas pipeline and overhead power cables
- The loss of Greenbelt from this total site which provides a buffer to urban sprawl.
- Loss of animal habitat such as bats and newts.
- The effect of disturbing a waste treatment site which is believed to have asbestos waste from the old Mintex/BBA site.
- The Applicant states that a Consultation has taken place with the community, this was in 2014 for a previous proposal which was completely different to the latest application.
- there is no evidence of a need for additional space
- major reduction in air quality from the increase in commercial vehicles in the area
- no mention of proposed residential development of Oak Mill – Application 2016/92664 and the cumulative impact of this together with the proposals
- neighbouring towns merging into one another in the green belt
- Are these likely to improve employment or merely move current employment and 'streamline
- Other sites discounted as not preferable sites
- The need is questioned
- The addition of a pedestrian crossing will reduce safety concerns but will exacerbate existing highway safety and traffic flow issues
- Mini roundabout and T junction for Cliff Hollins Lane will not assist traffic flow in and out at this junction
- Bungalows on cliff Hollins will be boxed in
- No mention of incorporating footpaths
- considerable increase in noise and vibration from HGV
- alternative approach roads should be considered to the south of the site.
- findings of the vibration tests along the A638 Bradford Road in the submitted report are dismissed and do not represent a true reflection
- concerns over increased vibration from HGV on these roads
- conflict between users of proposed housing and industrial on highway and air quality concerns to new residential properties.



- Oakenshaw village doesn't have the capacity to cope with the increase in traffic
- Not enough schools, dentists, doctors shops etc to sustain any more people.

## 7.2 **Local member involvement:**

Kirklees Ward Councillors have been briefed of the proposals as submitted and revised. Relevant Councillors of the neighbouring authority have also been informed of the revised proposals.

Bradford Cllr Sarah Ferriby has objected raising a number of issues which are summarised below:

- access and egress roads Bradford Road junction, Cliff Hollings Lane, Mill Carr Hill junctions which are unsuitable for high volumes of HGV, Light goods Vehicles and additional cars
- detrimental impact for both residents, pedestrians and local road users.
- proposed roundabout is in very close proximity to the school entrance creating conflicts between Traffic and pedestrians
- there have been numerous accidents including serious accidents and bumps at this point on Bradford road
- increase congestion on surrounding highway infrastructure in an area already congested
- loss of a large expanse of green belt between the local community creating more of an industrial sprawl while losing wild life habitat
- greater demands on site regarding surface water run off management
- considerable site issues including mine shafts which are in existence all over the local area
- great concerns regarding the previous site used for the disposal of waste which will be disturbed
- an alternative access and egress should be sought well away from those proposed to one at the southern end of the site

The applicant on acknowledgement of the concerns raised by Cllr Ferriby, on 21<sup>st</sup> November advised they intend to contact the Cllr Ferriby to offer a meeting to discuss the concerns in the next few days.

## 8.0 **CONSULTATION RESPONSES:**

### 8.1 **Statutory:**

Government Office – raised no objections and wishes to make no comments  
 The Coal Authority – no objections subject to conditions  
 Highways England - recommend that planning permission not be granted for a specified period -comments awaited on revised proposals  
 Environment Agency- no objections  
 Forestry Commission/Natural England –standing advice  
 West Yorkshire Ecology – no comments received to date  
 K.C. DM Highways - No objection in principle  
 K.C. Strategic Drainage – no objections previously, comments awaited on revised proposals

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

K.C. Environmental Health – no objection in principle subject to the receipt of additional information (noise report & contaminated land reports)  
K.C. Trees - no objection to the proposals in principle  
K.C. Biodiversity/ecology unit – no objections subject to mitigation / enhancement measures to be incorporated  
K.C. Public Rights of Way - comments awaited on revised proposals  
K.C Landscape – support in principle  
West Yorkshire Police Liaison Officer – no objections subject to conditions  
Health & Safety Executive – advise to consult NGN  
Yorkshire Water - indicative proposals not acceptable  
Bradford Council DM Planning – comments awaited on revised proposals  
Northern Gas Networks - Any development in proximity to pipelines on site would be subject to certain conditions relating to easement distances and proximity distances, in addition there will be restrictions as to any changes to the cover that currently exists over the pipeline and access roads.  
Kirklees Public Health - recommendations to be incorporated into reserved matters/final layout to encourage health & well- being of future users of the site and surrounding areas

## 9.0 MAIN ISSUES

- Background
- Principle of development
- Impact on the green belt & very special circumstances
- Urban Design issues(layout & plateau areas)
- Amenity issues (noise & air)
- Highway issues
- Ecology, Landscape &Tree issues
- Flood risk & drainage issues
- Ground conditions (contaminated land)
- Representations
- Other matters

## 10.0 APPRAISAL

### Background:

- 10.1 This site is a previously-developed and now a disused waste water treatment works, which currently lies in the Green Belt.
- 10.2 The area has not benefitted from new land allocations since the adoption of the Unitary Development Plan, which was adopted in 1999. This is a considerable period of time for a large part of the West Yorkshire conurbation to be constrained by a lack of suitable development sites.
- 10.3 The site is identified as a draft employment allocation (reference E1985a) in the “*Publication Draft Local Plan – Allocations and Designations*” DPD which has been the subject to Examination in Public during October 2017. The Publication Draft Local Plan – Strategy and Policies, identifies a requirement for 165ha of net additional employment land.
- 10.4 This application has been submitted prior to the formal allocation of the site in order to ensure that further growth, in line with the Kirklees and Leeds City Region Economic Plans, is not constrained by a lack of suitable property.

- 10.5 This application proposes a mixture of employment uses comprising of B1(c), B2 and B8. The supporting information states the principal aim of this development is to provide new accommodation for the north Kirklees/South Bradford manufacturing arc, a collection of complementary engineering, manufacturing and design businesses with a strong reputation for delivering gears, valves, pumps, turbos, chemicals and textile products. It also responds to the wider employment market and lack of good-quality land supply.
- 10.6 The site has a number of constraints, including the existing waste water treatment works, pumping station, mine shafts and adits, power lines, a gas pipe and a requirement to safeguard land in the south of the site for an improvement to the M62/M606 junction.
- 10.7 The proposed scheme has also been subject to discussions with both Kirklees and Bradford Councils since 2014. This has involved ongoing liaison with Kirklees Council's Officers, the submission of representations to Kirklees Council's emerging Local Plan, pre-application discussions, meetings with key stakeholders and a public exhibition. Feedback received during the application determination period has been considered and has resulted in a reduction in the development area and the removal of residential development from the scheme.
- 10.8 The application is accompanied with details of the public exhibition carried out prior to the submission of the application set out in the Statement of Community Involvement.

**Principle of development:**

- 10.9 The starting point for assessment is the National Planning Policy Framework (NPPF), in particular Section 9 entitled "Protecting Green Belt Land". Paragraph 79 of the National Planning Policy Framework (2012) (NPPF) advises that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. Paragraphs 87 and 89 of the Framework include advice that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, and that the construction of new buildings should be considered inappropriate unless they fall within specific exceptions listed at paragraphs 89 and 90.
- 10.10 The NPPF also states 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.
- 10.11 Paragraph 173 of the NPPF refers to plan making, but offers important advice on the principles of considering viability. It notes that pursuing sustainable development requires careful attention to viability. It also notes that to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal

cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

- 10.12 The Framework also clearly expects local authorities to adopt a positive and proactive attitude to decision-taking and foster delivery of sustainable development that delivers growth and improves economic, social and environmental outcomes. Authorities should pursue solutions with applicants and decision-takers (at all levels) should approve applications for sustainable development where they can.
- 10.13 The following paragraphs assess the proposals in light of the above followed by a summary of the matters raised by consultees to date.
- 10.14 **Impact on the green belt & very special circumstances (VSC):**
- 10.15 Other than the exception of two buildings the site consist mainly of low level development in the form of hard standings and water tanks below ground level which is concentrated mainly to the east and south areas within the application site with the remainder of the site undeveloped. The supporting information states the site is previously developed and already compromises the extent to which its green belt purposes are fulfilled and as such the harm from the proposals will be limited.
- 10.16 The proposals are shown to provide up to 35,284m<sup>2</sup> of employment use on 7.08ha not including the car park area submitted to Bradford Council. Whilst, the proposals are submitted in outline, the accompanying information sets out the maximum scale and height (18m) of the buildings for the employment uses. Thus the proposals are considered would have a greater impact on the openness of the green belt and the purposes of including land within it than the existing low level development. Furthermore, developing on the greenfield part of the site would result in further encroachment beyond the limits of the brownfield part of the site. The applicant does not dispute this and states the proposals have been considered against the purpose of including land within the green belt as set out in paragraph 80 of the NPPF.
- 10.17 Paragraph 79 of the NPPF stipulates that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and permanence.
- 10.18 The site lies in an area washed over by green belt and whilst it is acknowledged that there is development on the west of Bradford Road, the site is detached from any settlement. The brownfield part of the site has been put forward for consideration as an employment site on the emerging deposited Local Plan. This does not include the greenfield part of the site and as such it would be contrary to the purposes of including land in the green belt. As noted above the Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25<sup>th</sup> April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be

given increased weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

- 10.19 Having reviewed Bradford Council's proposals maps an area immediately beyond the green field part of the application site adjoining the boundary with Kirklees is retained as green belt. Developing the greenfield part of the site, in the opinion of Officers would see the current separation distance from this area being reduced, moving a further step closer to some coalescing with the neighbouring town of Oakenshaw which currently maintains the appearance of separation. It is recognised the harm to this purpose would be limited due to the brownfield portion of the site. Nevertheless the resultant impact would come from the developing the greenfield part of the site and result in a further loss of the countryside thus representing an unrestricted sprawl and merging of large built up areas.
- 10.20 The applicant's case for VSC to justify the above identified harm is based on the need for more employment land in the interim period prior to the adoption of the DPLP to encourage economic activity in the area.
- 10.21 Firstly with regards to employment land, the supporting information states the current UDP was adopted in 1999 and provided land allocations for the period April 1993 to April 2006. It goes on to state, to present day there has been no new employment land allocated for 23 years and as such the employment land supply in Kirklees is limited and unlikely to be suitable to meet the requirements of modern businesses as it was not intended to meet the needs from 2006 onwards. This view is consistent with the Council's own evidence where a critique of the current employment land supply has been undertaken to inform the emerging Kirklees Local Plan. The key findings from this assessment has been set out in the 'Kirklees Local Plan Employment Technical Paper' paragraphs 7.1- 7.8.
- 10.22 In view of this, the supporting information makes reference to the Kirklees Economic Strategy (KES) which aims to make Kirklees the heart of a growing manufacturing and engineering cluster, to enable the creation of employment and see this sector grow at twice the rate of the wider economy. The information recognises that the KES notes that the engineering and manufacturing sectors are also pronounced in neighbouring Bradford and Calderdale and that the sector locally is a priority for the Leeds City Region.
- 10.23 Officers agree that new strategic employment sites are needed to increase the volume of land available for employment and to meet key business sectors, particularly of this scale as set out in the KES. To clarify the brownfield part of the site would support the economic objectives by providing land in a strategic important location which is of sufficient size to support the needs of larger businesses. However, in light of the identified constraints, the redevelopment of this brownfield site has resulted in a challenging viability equation. Officers are of the opinion and acknowledge the high abnormal costs must be balanced with adequate returns in accordance with paragraph 173 of the NPPF. The National Planning Practice Guidance advices must be underpinned by an understanding of viability, ensuring realistic decisions are made to support development and promote economic growth.
- 10.24 The proposals to provide employment use on this site with good accessibility to transport would be seen as a positive step towards opportunities for new investment and employment in the district.

- 10.25 Turning to the need for developing the greenfield part of the site, the fundamental reason for proposing development on this part of the site is stated to enable a viable scheme enable the redevelopment of this brownfield site which has a number of identified constraints.
- 10.26 The applicant states in total of 14 development options have been considered to find a viable scheme. The scheme before Members has been revised omitting the 101 dwellings which were previously proposed on the greenfield part of the site to the north west. The proposals were accompanied with a viability appraisal which stated that the proposed employment uses of the site can only be viably developed if the local planning authority allows enabling development in the form of 101 residential units.
- 10.27 The viability appraisal accompanying the application was independently assessed on behalf of the Council. Basically, the conclusion was such that a planning compliant scheme is not viable unless enabling development is permitted which would in this case need to be accommodated on a proportion of the greenfield part of the site. In view of this and a number of other environmental concerns for the future residents of the residential dwellings in close proximity to the motorways and industrial uses, the plans have been revised omitting all the residential dwellings and replacing this with industrial uses. Moreover, the intake of area of greenfield to be included in the redevelopment of this site has now been reduced to approximately half that previously shown for the residential dwellings.
- 10.28 In view of the above and based on the conclusion of the viability appraisal it is accepted enabling development would be required for the redevelopment of the brownfield part of the site. Officers are of the opinion the revised proposals, which shows a reduced area of greenfield land to be developed on would be commensurate with that required to enable the development of the brownfield part of the site and would retain an adequate level of separation distance between the Oakenshaw and circumvent coalescing with this neighbouring town.
- 10.29 The following now considers the harm to the green belt for the purpose of including land within it as set out in paragraph 80 of the NPPF, in particular the four bullet points which are relevant.
- *Checking the unrestricted sprawl of large built-up areas*
  - *Preventing neighbouring towns from merging*
  - *Safeguarding the countryside from encroachment*
- 10.30 The site is well-contained with recognised potentially permanent long term boundary features to the east, south and west in the form of motorways and an area of woodland and a Site of Wildlife Significance to the east. This together with the topography limits the extent to which an extension of development could be extend beyond these boundaries.
- 10.31 The proposals to develop the brownfield part of the site would undoubtedly result in a sprawl of a built up area thus reducing a strategic gap between the main urban areas of south Bradford and the north of Cleckheaton. However, due to it being largely brownfield land, the openness of the green belt is already compromised. This has the effect of decreasing this separation distance between main urban areas. Officers are of the opinion to confine the

proposals to the brownfield and the now reduced area of greenfield that is put forward for enabling development would to an extent restrict and avoid the sprawl of urbanising, preventing coalescing of these neighbouring towns.

- 10.32 Bradford DM Planners have been consulted, who advised given the site straddles with the border with Bradford Council, it would be appropriate for a suitable landscaping scheme to be incorporated to minimise the visual impact on of the development on the green belt.
- 10.33 With regards to the countryside, again the proposals would compromise and result in the loss of some of the countryside. Accordingly harm to the three purposes of including land in the greenbelt are however, already compromised due to the site being largely brownfield land.
- 10.34 Turning to the fifth relevant purpose (bullet point) of paragraph 80 which reads:
- Assist in urban regeneration, by encouraging the recycling of derelict and other urban land
- 10.35 The assessment above clearly identifies the proposals will to some extent conflict with some of the purposes of including land in the Green Belt resulting in inappropriate development, which should not be approved except VSC asset out in paragraphs 89 and 88 of the NPPF.
- 10.36 To summarise the Officers have given substantial weight to this harm and consider VSC exist which outweigh the identified harm. As discussed above, the VSC are the identified need for more strategic employment sites at the current time and the development of this largely brownfield site, which would assist in urban regeneration by encouraging the recycling of derelict land. In addition it is considered the quantum of enabling development of the greenfield part of the site amounts to other considerations which would be outweighed by the benefits of the peruse of the brownfield element which would enable bringing forward significant commercial/industrial development. Thus the proposals would provide social gain through the provision of additional employment, job creation bringing economic gains by providing business opportunities for contractors and local suppliers not only during the construction phase and on completion by creating additional demand for local services and potentially increasing use and viability of local services. Moreover the employment uses would create employment and support the needs of the KES in a location with good transport links and contribute to the building of a strong economy.

**Are there any comments that Members wish to make in relation to the principle & VSC of the proposed development at this stage?**

10.37 **Urban Design issues(layout & plateau areas):**

- 10.38 The application documents include an indicative site block plan which demonstrates how the site could be developed. Whilst, this layout is acceptable in principle, consideration would need to be given on any subsequent application to the scale, design and materials to ensure the proposed buildings do not significantly detract from the openness of the greenbelt to accord with Kirklees Unitary development plan Policies BE1 and

BE2, policies PLP24 and PLP59 of the Publication Draft Local Plan and guidance within the National Planning Policy Framework.

**Are there any comments that Members wish to make in relation to the indicative layout & proposed plateau areas on the site block plan at this stage?**

**10.39 Amenity issues (noise & air quality) :**

- 10.40 UDP Policy EP4 states that: “proposals for noise sensitive developments in proximity to existing sources of noise, or for noise generating uses of land close to existing noise sensitive development, will be considered taking into account the effects of existing or projected noise levels on the occupiers of the existing or proposed noise sensitive development.”
- 10.41 The NPPF Paragraph 109 states that “the planning system should contribute to and enhance the natural and local environment by... preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability...”
- 10.42 Based on the revised proposals Environmental Health Officers have requested a noise report, specifying the measures to be taken to protect the occupants of nearby noise sensitive premises at 6 – 16 (even numbers) Cliff Hollins Lane and 561 – 591 (odd numbers) and 626 - 676 (even numbers) Bradford Road from noise from the proposed development. This can be conditioned.
- 10.43 However, turning to the indicative site/block plan indicates approximately a distance of 190metres to be achieved between the existing residential dwellings to the north west of the site to the nearest proposed commercial unit (no.6). Whilst this is considered to be an acceptable distance from these residential properties, to further mitigate any potential noise concerns Officers are of the opinion there is an opportunity to use the commercial unit closest to the existing residential properties at Cliff Hollins Lane as an acoustic barrier for the remainder of the site. The applicants are advised that the final layout is designed to reflect the above and to ensure any associated potentially noisy activities at this unit including the service yard and external plant areas are sited away from the edge of the proposed developable area on this part of the site to accord with UDP Policy EP4 and PLP52 of the Publication Draft Local Plan and guidance within the National Planning Policy Framework.
- 10.44 With regards to air quality the Air Quality Assessment (AQA) Chapter of the accompanying ESA, determines the potential air quality impacts during the construction and operational phases of the proposed development. Specifically, these are the impacts of road traffic emissions of nitrogen dioxide and fine particulate matter, albeit consideration has also been given to dust impacts during the construction phase. The AQA concluded that the background pollutant concentrations at the proposal site are well below the relevant annual mean objectives, and pollutant concentrations are predicted to decrease in the future due to anticipated improvements in vehicle technology regardless of whether the proposed development goes ahead or not.
- 10.45 The largest impacts due to the development have been predicted at receptors located on Bradford Road, near the junction with Mill Carr Hill Road and those



on Cliff Hollins Lane, near to the site entrance. Environmental Health Officers have yet to fully assess the air quality information, the outcome of which will be included in the update or reported on the day of committee.

- 10.46 In addition in order to improve air quality throughout Kirklees and in accordance with the West Yorkshire Low Emissions Strategy, Policy PLP 24 of the Publication Draft Local Plan and paragraph 124 of the NPPF a condition will be imposed to provide electric charging points to promote the use of electric vehicles and to ensure the cumulative impacts on air quality from individual sites is considered.

**Are there any comments that Members wish to make in relation to amenity issues at this stage?**

10.47 **Highway issues:**

- 10.48 Policies T10 and T19 of the Unitary Development Plan (UDP) sets out the matters relating to highway issues and parking standards against which new development will be assessed in terms of highway safety. Policy PLP 21 and 22 of the Publication Draft Local Plan endorses new development shall normally be permitted where safe and suitable access to the site can be achieved for all people and where the residual cumulative impacts of development are not severe.

- 10.49 Based on the revised proposals, Kirklees Highways DM Officers make the following assessment:

*An up-dated Transport Assessment (TA) prepared by AECOM Limited is received. The TA supersedes both the previous North Bierley TA produced by AECOM in July 2016 and Technical Addendums produced by AECOM in October 2016.*

*The development is split as follows:*

- 2,648 sq. m of B1 (c) Office land use;*
- 24,478 sq. m of B2 Warehouse land use; and*
- 8,159 sq. m of B8 Warehouse land use.*

*The updated Transport Assessment reassesses the estimated trip generation, the assignment of traffic onto the highway network and the impact of the development on key junctions.*

*The site access plan number 603453222-001 shows access to the site directly from Cliff Hollins Lane which is shown to be completely realigned to give priority to vehicles entering the proposed development site. A new priority junction is shown to be created at the junction of the proposed new access road and the northern section of Cliff Hollins Lane.*

*A 36 space car park has been submitted to the neighbouring authority (Bradford) in order to alleviate existing on-street parking pressure occurring on Mill Carr Hill Road associated with Woodlands Church of England Primary School.*

*Operational assessments have been undertaken of the impact of the development traffic on the local road network in the AM and PM peak hours at the junctions identified below.*

- *Cliff Hollins Lane / Mill Carr Hill Road; and*
- *Mill Carr Hill Road / Bradford Road.*

*Improvement schemes are proposed at the Cliff Hollins Lane / Mill Carr Hill Road and Mill Carr Hill Road / Bradford Road junctions.*

*Cliff Hollins Lane/Mill Carr Hill Road. A mini roundabout is proposed at this junction.*

*Mill Carr Hill Road/Bradford Road. A pedestrian crossing is proposed on Bradford Road in order to regulate traffic flows to allow some alleviation of queuing traffic conditions on Mill Carr Hill Road. Widening is also proposed to improve turning movement for HGVs at the junction.*

*With regards to PROW, footpath no SPE/21/20 runs along the current site access road, crosses Hunsworth Beck and passes to the east of Hanging Wood. It is proposed to maintain this route with the section that runs through the site to provide segregated vehicle and pedestrian accesses within the site.*

*The Transport Assessment profiles the percentages of development related traffic against 2017 baseline flows and plots the percentage against this. From this it concludes that development flows equate to a 2% and 1% increase in the AM and PM peak periods through the M62 Junction 26.*

*Highways Development Management questioned the validity of this assessment in their previous highways consultation response dated 15th September 2016. Highways England are however the highway authority for the strategic road network and as such, should be consulted for their views in this regard.*

*The latest correspondence on file suggests that Highways England ( HE ) disputes the findings of the 2016 TA regarding the impact onto M62 junction 26.*

*In section 7 of this Transport Assessment AECOM confirm that through discussions with Highways England, it is agreed to assess the impacts of the proposed development on the M62 J26 circulatory carriageway. This assessment will use the approved traffic model provided by HE and results will be provided in an additional Technical Addendum.*

*Highways consider that this proposal is acceptable in principle however there are a number of outstanding issues. These are:*

- *Further consultation is needed regarding the proposed access arrangements, mini-roundabout, Bradford Road junction improvement and provision of the pedestrian crossing on Bradford Road.*
- *Confirmation from Bradford Council on the acceptability of the proposed School car park within their boundary.*
- *Highways England support of the revised proposals*
- *Safety Audits may be required for the realignment of Cliff Hollins Lane and the site access.*

- *The accident statistics need to be up-dated - they are currently only to 31st December 2016*

**West Yorkshire Combined Authority comments**

*The main bus service that is accessible on Bradford Road is the Arriva MAX 268 / 268a service. This service provides a 10 minute frequency service between Bradford and Dewsbury with every other bus continuing through to Wakefield. The closest bus stops (reference 14572, 14567) both have shelters.*

*As part of this scheme, Real Time Passenger Information displays could be provided at these stops (£10,000 per stop) to improve the public transport offer.*

10.50 To summarise Officers are of the opinion the proposals could be accommodated on this site and could be served adequately by the existing highway network subject to the above identified improvements works be carried out, in accordance with Policy PLP 21 and 22 of the Publication Draft Local Plan and policy T10 of the UDP.

**Are there any comments that Members wish to make in relation to highway safety matters at this stage?**

**10.51 Ecology, Landscape & Trees issues:**

10.52 UDP Policy EP11 requests that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. Paragraph 118 of the NPPF states “when determining applications Local Planning Authorities should aim to conserve and enhance biodiversity”. These include the conservation and enhancement of biodiversity in and around developments.

10.53 Also of relevance is UDP Policy NE9 seeks to retain mature trees on development sites. The importance of retaining trees is also highlighted in paragraph 118 of the NPPF. Publication Draft Local Plan Policy PLP 33 states permission will not be granted which directly or indirectly threaten trees or woodland of significant amenity.

10.54 The most significant tree related constraint to the site comes from the adjacent ancient woodland beyond the eastern boundary. It is acknowledged this area is also identified as a local wildlife site on the Publication Draft Local Plan. Whilst the Council’s Arboricultural Officer raise no objections in principle, it is advised any future applications be accompanied with a tree survey and Arboricultural Method Statement, in accordance with BS5837 in order to fully appraise the potential impact and risk to both trees on site and the adjacent ancient woodland.

10.55 Furthermore, the submitted indicative proposals give provision for a buffer of approximately 10m from the adjacent ancient woodland, Hanging Wood. However as the guidelines from Natural England are 15m standoff to all ancient woodlands the tree survey and method statement would need to address how the woodland can be protected both during construction and following completion.

- 10.56 Turning to ecological and biodiversity interests, the Biodiversity Officer on assessment of the ecology information raises no objection to the proposals subject to suitable mitigation/enhancements measures and the recommendations of the ecological chapter of the submitted Environmental Appraisal being carried out and incorporated in to future redevelopment of this site.
- 10.57 With regards to the landscape, firstly the spaces around the employment have not been designed as a 'green streets' accessible setting for those working here or exercising at lunch times or break times. There is an opportunity to make this a high class well designed employment site with consideration of its workforce with opportunities for accessible greenspace for all. Health and well-being should be a prime consideration in these times and having green space close by should be at the minimum accessible. This is also reiterated in the recommendations suggested by Public Health Officers in accordance with the objectives of the Kirklees Economic Strategy (KES) and the Kirklees Joint Health and Wellbeing Strategy documents (JHWS). The documents associated with this planning application refer to the KES, but there is no mention as to how it will contribute to the aims and objectives within the JHWS. This needs to be included in future proposals.
- 10.58 Turning to the outer edges of the site it is currently intermittently screened from the adjacent roads with the existence of mature trees and undulating land levels. Further native planting along the outer boundaries together with the enhancement and management of the existing hedgerow could support and strengthen this green corridor. Moreover, well designed and effective mitigative planting is important and high quality well placed naturalised planting throughout the site would be advantageous to mitigate the impact on the greenbelt and act as noise barriers to neighbouring development.
- 10.59 The supporting information recognises that there will be an effect on the Green Belt as a result of the development and the character of the site will change. It also recognises the significant visual effects that will be caused to properties on the higher ground to the north of the development, as well as on local footpath users. In view of this, mitigation measures are intended to be proposed that seek to address the effects set out above. These will be set out in the landscape masterplan which is intended to reflect the field patterns of the adjacent landscape and use topography, woodland blocks, hedgerows and trees to aid screening to break up the massing of the development. The mitigation measures will also act as a aid to reduce the effects on nearby residential receptors.
- 10.60 To summarise any future layout of the site should be designed to incorporate a sensitive landscape scheme and the above suggested measures to and to provide green streets and areas accessible for future users of the site and it's surroundings, to accord with Policies PLP2, PLP3, PLP24, PLP31, PLP32, PLP33 and PLP34 of the Publication Draft Local Plan and Policies BE1, BE2 and EP11 of the UDP and guidance within the NPPF.

**Are there any comments that Members wish to make in relation to Ecology, Landscape & Tree matters at this stage?**

10.61 **Flood risk & Drainage issues:**

10.62 The NPPF sets out the responsibilities for Local Planning Authorities in determining planning applications, including flood risk assessments taking climate change into account.

10.63 The application site is situated across Flood Zones 1, 2 and 3, although the majority of the developable area lies in Zone 1, with just a small area in the south eastern corner currently occupied by the WWTW filter tanks is identified as Flood Zone 2 and 3. The proposals are proposed to incorporate new site drainage on two separate systems and surface water will be restricted to greenfield run-off rates and incorporate sustainable drainage systems (SuDs). It is stated the proposed foul water drainage arrangements will be adopted by Yorkshire Water.

The Flood Risk Assessment and Drainage Strategy provided with the application provides an assessment of the likely significant effects of the proposed development on flood risk and drainage issues internally within the site and its surroundings.

10.64 Consultations have been carried out with the Environment Agency, Yorkshire Water and the Councils Lead Local Flood Authority (LLFA). In principle, no objections are raised subject to the development being carried out in accordance with the recommendations set out in the accompanying Flood Risk Assessment, all the proposed mitigation measures being incorporated into the development and recommended conditions by these consultees. The Councils LLFA also advises that all commercial buildings and their servicing access roads be located outside of the 100 year flood outlines determined by the FRC model in the supporting information to accord with Policies BE1 and guidance in the NPPF.

10.65 To conclude Officers are satisfied, flood risk and drainage matters can be addressed through the imposition of appropriate conditions in accordance with guidance within the NPPF and Policies PLP28 and PLP29 of the Publication Draft Local Plan

**Are there any comments that Members wish to make in relation to Flood risk & drainage issues matters at this stage?**

10.66 **Ground conditions (contaminated land):**

10.67 The Ground Conditions Chapter and associated technical reports within the accompanying ESA assesses the subsurface ground conditions beneath the application site that may potentially impact upon and be impacted by, the proposed development. This includes an assessment of general ground conditions, the presence of contamination and the possibility of mining instability.

10.68 Parts of the development site are shown as being on land that that is potentially contaminated land due to its former use.

- 10.69 A contaminated land Phase 2 report is included in the Environmental Statement at part 8. This was assessed by Environmental Health Officers who confirm the phase 2 report makes reference to a phase 1 report dated November 2006 but does not form part of the submitted documents. It is advised before the Phase 2 report can be effectively assessed the phase 1 report, relevant to the current revised application is required that addresses the intervening period between 2006 to the current day. The Phase 1 report was received on 21<sup>st</sup> November 2017. Further consultation is sent to Environmental Health Officers, the outcome of which shall be included in the update or reported on the day of committee.
- 10.70 The Coal Authority concurs with the recommendations of the Environmental Statement (July 2016, prepared by Turley); that coal mining legacy potentially poses a risk to the proposed development and that further intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. The Coal Authority recommends a number of conditions to address potential risk. In view of this, Officers are satisfied subject to the receipt of the absent information that contaminated land issues could be satisfactorily addressed for the proposed development on this site by the use of the full range of contaminated land conditions in accordance with guidance in the NPPF and Policies PLP52 and PLP53 of the Publication Draft Local Plan and Policy G6 of the UDP.

**Are there any comments that Members wish to make in relation to Ground conditions (contaminated land) matters at this stage?**

10.71 **Representations:**

- 10.72 The preceding paragraphs address a number of the concerns received. Insofar as representations that have not been addressed through the above assessment these will be reported in the update.

**Are there any comments that Members wish to make in relation to representations at this stage?**

10.73 **Other matters:**

The site is accessible given its proximity to the motorway network. The West Yorkshire Police Liaison Officer raises no objection in principle but suggests number of recommendations taking into account the Secured by Design guidance to promote good security measures to minimise the risk of crime and meet with the specific needs of the site and its end users and to accord with Policy BE23 of the UDP, Policy PLP of the Publication Draft Local Plan and guidance within the NPPF.

**Are there any comments that Members wish to make in relation to the above issues at this stage?**

**11.0 CONCLUSION:**

Members are asked to note the contents of this report. Members' comments on the following questions will be helpful in moving the application forward:

- 1. Do Members have any comments on the principle of the development?**
- 2. Do Members have any comments in relation Impact on the green belt & very special circumstances?**
- 3. Do Members have any comments in relation to Urban Design issues (layout & plateau areas) ?**
- 4. Do Members have any comments in relation to the amenity issues (noise & air) ?**
- 5. Do Members have any comments in relation to highway issues**
- 6. Do Members have any comments on the proposed highway works/ safety matters at this stage?**
- 7. Do Members have any comments in relation to Ecology, Landscape & Tree issues?**
- 8. Do Members have any comments in relation to flood risk and drainage issues?**
- 9. Do Members have any comments in relation to Ground conditions (contaminated land)?**
- 10. Do Members have any comments in relation to representations?**
- 11. Do Members have any comments in relation to other matters?**
- 12. Are there any other matters which Members wish to raise?**

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