

# Public Document Pack



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

**Julie Muscroft**

The Democracy Service  
Civic Centre 3  
High Street  
Huddersfield  
HD1 2TG

**Tel:** 01484 221000

Please ask for: Richard Dunne

Email: richard.dunne@kirklees.gov.uk

Wednesday 3 January 2018

## 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 11 January 2018**.

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

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

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

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

**Julie Muscroft**

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

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

## **The Strategic Planning Committee members are:-**

### **Member**

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

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

### **Substitutes Panel**

#### **Conservative**

D Bellamy  
N Patrick  
G Wilson  
J Taylor

#### **Green**

K Allison  
A Cooper

#### **Independent**

C Greaves  
T Lyons

#### **Labour**

E Firth  
C Scott  
M Sokhal  
S Ullah

#### **Liberal Democrat**

J Lawson  
A Marchington  
L Wilkinson

# Agenda

## Reports or Explanatory Notes Attached

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**Pages**

**1: Membership of the Committee**

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

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**2: Minutes of the Previous Meeting**

1 - 4

To approve the Minutes of the meeting of the Committee held on 21 December 2017.

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**3: Interests and Lobbying**

5 - 6

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

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**4: Admission of the Public**

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

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**5: 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 - Pre-Application No: 2017/20381**

Pre-Application enquiry for development on the former Black Cat Fireworks site, off Blackmoorfoot Road, Crosland Moor, Huddersfield and surrounding area.

(Estimated time of arrival at site – 09:40 am)

Contact Officer: Bill Topping Tel: 01484-221000

**Wards Affected:** Colne Valley; Crosland Moor and Netherton

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**8: Site Visit - Application No: 2017/90620**

Planning permission for demolition of existing buildings, change of use of existing building to mixed uses comprising B1a (offices)/B1c (light industrial) and C3 (up to 27 dwellings) and associated parking and outline permission for erection of 75 dwellings. Dobroyd Mills, Hepworth Road, New Mill, Holmfirth.

(estimated time of arrival at site – 10:30 am)

Contact Officer: Matthew Woodward Tel: 01484-221000

**Wards Affected:** Holme Valley South

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**9: Site Visit - Application No: 2017/93609**

Erection of 4 dwellings and change of use of land as domestic garden area and areas of public open space Land at, Stoney Bank Lane, Thongsbridge, Holmfirth.

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

Contact Officer: Matthew Woodward Tel: 01484-221000

**Wards Affected:** Holme Valley South

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**10: Site Visit - Pre- Application No: 2017/20371**

Pre-Application enquiry for a potential reserved matters application for a multi-use leisure and entertainment development with ancillary facilities, plus hotel at John Smiths Stadium, Stadium Way, Huddersfield.

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

Contact Officer: Louise Bearcroft Tel: 01484-221000

**Wards Affected:** Dalton

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**11: Local Planning Authority Appeals**

7 - 30

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

Contact: Mathias Franklin, Planning Services Tel: 01484-221000

**Wards Affected:** Dewsbury East

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**Planning Applications**

31 - 34

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 8 January 2018.

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.

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**12: Planning Application - Application No: 2017/90620**

35 - 62

Planning permission for demolition of existing buildings, change of use of existing building to mixed uses comprising B1a (offices)/B1c (light industrial) and C3 (up to 27 dwellings) and associated parking and outline permission for erection of 75 dwellings. Dobroyd Mills, Hepworth Road, New Mill, Holmfirth.

Contact Officer: Matthew Woodward Tel: 01484-221000

**Wards Affected:** Holme Valley South

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**13: Planning Application - Application No: 2017/93053** 63 - 82

Reserved matters application pursuant to outline permission 2014/93248 for erection of residential development (48 dwellings) Land off, Stoney Bank Lane, Thongsbridge, Holmfirth

Contact Officer: Matthew Woodward Tel: 01484-221000

**Wards Affected:** Holme Valley South

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**14: Planning Application - Application No: 2017/93609** 83 - 102

Erection of 4 dwellings and change of use of land as domestic garden area and areas of public open space Land at, Stoney Bank Lane, Thongsbridge, Holmfirth.

Contact Officer: Matthew Woodward Tel: 01484-221000

**Wards Affected:** Holme Valley South

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**15: Exclusion of the Public**

To resolve that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

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**16: Planning Application - Application No: 2017/93053**

Private Appendix in relation to application 2017/93053 included in agenda item 13.

This information is to be taken in private because it contains commercially sensitive information, including information about a third party.

The public interest in maintaining the exemption, which would protect the interests of the Council and the company involved, outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making.

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**17: Planning Application - Application No: 2017/93609**

Private Appendix in relation to application 2017/93609 included in agenda item 14.

This information is to be taken in private because it contains commercially sensitive information, including information about a third party.

The public interest in maintaining the exemption, which would protect the interests of the Council and the company involved, outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making.

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**The following items will be held in public session**

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**18: Pre Application No: 2017/20381**

103 -  
112

Pre-Application enquiry for development on the former Black Cat Fireworks site, off Blackmoorfoot Road, Crosland Moor, Huddersfield and surrounding area.

Contact Officer: Bill Topping Tel: 01484-221000

**Wards Affected:** Colne Valley; Crosland Moor and Netherton

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**19: Pre- Application No: 2017/20371**

113 -  
122

Pre-Application enquiry for a potential reserved matters application for a multi-use leisure and entertainment development with ancillary facilities, plus hotel at John Smiths Stadium, Stadium Way, Huddersfield.

Contact Officer: Louise Bearcroft Tel: 01484-221000

**Wards Affected:** Dalton

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**20: Pre-Application No: 2017/20424**

123 -  
130

Pre-Application enquiry for a revised scheme to redevelop Washpit Mills, Choppards Lane, Cartworth Moor, Holmfirth.

Contact officer: Adam Walker Tel: 01484-221000

**Wards Affected:** Holme Valley South

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## **Planning Update**

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



Contact Officer: Richard Dunne

## KIRKLEES COUNCIL

### STRATEGIC PLANNING COMMITTEE

**Thursday 21st December 2017**

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

**1 Membership of the Committee**

All members of the committee were present.

**2 Minutes of the Previous Meeting**

The Minutes of the meeting held on 30 November 2017 were approved as a correct record.

**3 Interests and Lobbying**

Councillor D Firth declared an 'other interest' in application 2017/91676 on the grounds that he was a member of Holme Valley Parish Council.

Councillors Armer, D Firth and S Hall declared they had been lobbied on application 2017/91676.

**4 Admission of the Public**

It was noted that Agenda Item 13 would be considered in private session.

**5 Deputations/Petitions**

The Committee received a deputation from Cllr Martyn Bolt that requested Kirklees Council Planning Service and Planning Committees give consideration to allocating, where appropriate, monies from Section 106 agreements to a public safety fund.

**6 Public Question Time**

No questions were asked.

**7 Site Visit - Application No: 2017/91676**

Site visit undertaken.

**8 Site Visit - Application No: 2017/93205**

Site visit undertaken.

**9 Planning Application - Application No: 2017/91676**

The Sub Committee gave consideration to Planning Application 2017/91676 Formation of new access from existing stone yard to adjacent storage area including excavation/engineering works Haggwood Quarry, Woodhead Road, Holmfirth.

## Strategic Planning Committee - 21 December 2017

Under the provisions of Council Procedure Rule 37, the Committee received representations from Yvette Morley, Darren Oldham, Stephen Gale, Steve Molloy, Joanna Martin (objectors), Ashley Bamford, Andy Rushby and Pete Dixon (on behalf of the applicant).

Under the provisions of Council Procedure Rule 36 (1) the Committee received a representation from Cllr Nigel Patrick (Local ward member).

**RESOLVED** – Contrary to the officer recommendation that the application be refused on the following grounds:

That the engineering operations which are proposed to create an access road constitute inappropriate development within the Green Belt in that the development proposed would be harmful to the openness of the Greenbelt, to the purposes of including land within it and to character and visual amenity of the local landscape. The applicant has not demonstrated that there are very special circumstances that would outweigh the harm, as such the development would be contrary to section 9 of the National Planning Policy Framework.

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

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

Against : (0 votes)

### 10 **Planning Application - Application No: 2017/93205**

The Sub Committee gave consideration to Planning Application 2017/93205 Development of a 20MW synchronous gas powered standby generation plant Land off Bradford Road, Rear of Batley Frontier, Batley.

**RESOLVED** – Delegate approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions contained within the considered report including:

- (1) The standard 3 year time limit to implement permission
- (2) The 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

## Strategic Planning Committee - 21 December 2017

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

(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.

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

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

Against : (0 votes)

### 11 **Planning Application - Application No: 2017/92997**

The Sub Committee gave consideration to 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.

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

Under the provisions of Council Procedure Rule 36 (1) the Committee received a representation from Cllr Martyn Bolt (Local ward member).

#### **RESOLVED –**

(1) Delegate approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions contained within the considered report including:

- (a) The standard 3 year time limit to implement permission
- (b) Materials
- (c) Drainage details
- (d) Details of boundary treatments
- (e) Landscaping plan
- (f) Lighting details
- (g) Biodiversity enhancement
- (h) Structural report concerning canal retaining wall
- (i) Contaminated land conditions
- (j) Construction management plan
- (k) Full details of balcony detailing and roof terrace screening
- (l) Noise report
- (m) Details of pedestrian access and gradients from car park
- (n) Turning facilities to be provided
- (o) Cycle storage
- (p) Gates to be set back
- (q) Canal improvement scheme including full details of implementation and date
- (r) Amenity garden space 2015/93074 to be provided prior to occupation
- (s) Occupancy restriction – over 55's.
- (t) Finished floor and ground levels
- (u) Details of surfacing of internal paths

## Strategic Planning Committee - 21 December 2017

- (v) Crime Impact and Mitigation Strategy
- (w) Landscaping which shall include a strategy for maintenance

- (2) Secure a Section 106 agreement to cover the following matters:
  - (a) A contribution towards affordable housing
  - (b) Improvements to the canal towpath

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

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

### **12 Exclusion of the Public**

That acting under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business, on the grounds that it involves the likely disclosure of exempt information, as defined in Part 1 of Schedule 12A of the Act.

### **13 Planning Application - Application No: 2017/92997**

The information was considered prior to the determination of Agenda Item 11.

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

**LOBBYING**

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

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

## **NOTES**

### **Disclosable Pecuniary Interests**

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

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

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

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

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

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

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

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

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

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

(b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

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

### **Lobbying**

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

**Name of meeting: STRATEGIC PLANNING COMMITTEE**

**Date: 11 JANUARY 2018**

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

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

<b>Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?</b>	<b>Not applicable</b>
<b>Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports)</a>?</b>	<b>No</b>
<b>The Decision - Is it eligible for "call in" by Scrutiny?</b>	<b>No</b>
<b>Date signed off by Service Director - Economy, Regeneration &amp; Culture</b>	<b>Paul Kemp 2 January 2018</b>
<b>Is it also signed off by the Assistant Director for Financial Management, IT, Risk and Performance?</b>	<b>No financial implications</b>
<b>Is it also signed off by the Assistant Director - Legal Governance and Monitoring?</b>	<b>No legal implications</b>
<b>Cabinet member portfolio</b>	<b>Economy (Strategic Planning, Regeneration &amp; Transport) (Councillor P McBride)</b>

**Electoral wards affected: Dewsbury East;**

**Ward councillors consulted: No**

**Public or private:**

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**1. Summary**

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

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

- 2.1 2016/62/93514/E - Erection of 149 dwellings with associated car parking, access, landscaping, public open space and drainage works at Land off, Rumble Road, Dewsbury, WF12 7LR. (Strategic Committee) (Appeal against non-determination allowed)

2.2 2017/62/91459/E - Erection of 149 dwellings with associated car parking, access, landscaping, public open space and drainage works at Land off Rumble Road, Dewsbury, WF12 7LR. (Strategic Committee contrary to officer recommendation) (Allowed)

**3. Implications for the Council**

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

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

**4. Consultees and their opinions**

Not applicable, the report is for information only

**5. Next steps**

Not applicable, the report is for information only

**6. Officer recommendations and reasons**

To note

**7. Cabinet portfolio holder recommendation**

Not applicable

**8. Contact officer**

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

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

Not applicable

**10. Service Director responsible**

Paul Kemp



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## Appeal Decisions

Hearing Held on 15 November 2017

Site visit made on 14 November 2017

**by A J Mageean BA (Hons) BPI PhD MRTPI**

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

**Decision date: 22<sup>nd</sup> December 2017**

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### **Appeal A Ref: APP/Z4718/W/17/3174217 Land at Rumble Road, Dewsbury WF12 7LR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Persimmon Homes West Yorkshire against Kirklees Metropolitan Borough Council.
  - The application Ref 2016/62/93514, is dated 14 October 2016.
  - The development proposed is the erection of 149 dwellings with associated car parking, access, landscaping, public open space and drainage works.
- 

### **Appeal B Ref: APP/Z4718/W/17/3184318 Land at Rumble Road, Dewsbury WF12 7LR**

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Persimmon Homes West Yorkshire against Kirklees Metropolitan Borough Council.
  - The application Ref 2017/62/91459/E dated 26 April 2017, was refused by notice dated 11 August 2017.
  - The development proposed is the erection of 149 dwellings with associated car parking, access, landscaping, public open space and drainage works.
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## Decisions

### **Appeal A Ref: APP/Z4718/W/17/3174217**

1. The appeal is allowed and planning permission is granted for 149 dwellings with associated car parking, access, landscaping, public open space and drainage works at Land at Rumble Road, Dewsbury WF12 7LR in accordance with the terms of the application, Ref 2016/62/93514, dated 14 October 2016, subject to the conditions set out in the attached schedule.

### **Appeal B Ref: APP/Z4718/W/17/3184318**

2. The appeal is allowed and planning permission is granted for 149 dwellings with associated car parking, access, landscaping, public open space and drainage works at Land at Rumble Road, Dewsbury WF12 7LR in accordance with the terms of the application, Ref 2017/62/91459/E, dated 26 April 2017, subject to the conditions set out in the attached schedule.

## **Procedural Matters**

3. Appeal A relates to the failure of the Council to determine the planning application within the prescribed period. As the decision notice issued for Appeal B relates to essentially the same proposed development, the given reason for refusal similarly applies to Appeal A.
4. Policy PLP61 of the Kirklees Publication Draft Local Plan (DLP) is cited as a reason for refusal in this case. The criteria set out at paragraph 216 of the National Planning Policy Framework (the Framework) determine the weight to be attached to such emerging plans. In this case the draft plan is currently being examined. However, the independent Inspector has recently expressed significant concerns about some key matters following Stage 1 hearings, including the Council's approach to protecting natural/semi-natural green spaces as Urban Green Space<sup>1</sup>. I also understand that there are unresolved objections in relation to both emerging Policy PLP61 and its application to the appeal site. Therefore, whilst this Policy is broadly in line with the provisions in the Framework relating to the protection of open space and does not represent a significant departure from current development plan policy in this regard, my view is that it is of limited weight in the determination of these cases.
5. The applications are accompanied by S106 Agreements to secure affordable housing, financial contributions relating to the funding of additional school places, footpath improvements, the provision of MetroCards for the occupants of the proposed developments, improvements to local parks and recreation grounds, specific improvements to Bywell Recreation Ground and the introduction of traffic calming/management measures along Rumble Road. I have taken these documents into consideration in determining the appeals.
6. The only significant difference between the two appeals relates to action undertaken to address the objection made by Yorkshire Water to Appeal A. This concerns the fact that the site layout under consideration in Appeal A did not identify the location of the raw water main. I understand that the amended layout under consideration in Appeal B does accurately locate this facility and that an adequate easement has been agreed. Nevertheless, should Appeal A be acceptable in all other regards, this matter would not in itself amount to a planning objection to these proposals.
7. Interested parties in attendance at the hearing stated that letters notifying local residents of the appeals and hearing had not been received by all those living in local roads. However the Council maintains that the appropriate notifications took place. A number of local residents were present at the hearing and were able to express their views as part of proceedings. I am therefore satisfied that local interests have been fairly represented in these appeals and have not been prejudiced.

## **Main Issue**

8. The main issue in both appeals is the effect of the proposals on the provision of urban green space in Dewsbury East Ward.

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<sup>1</sup> Letter to Kirklees Council from Local Plan Inspector, 25 October 2017

## Reasons

### *Policy Context*

9. Urban Green Space (UGS) is a locally derived designation intended to protect open spaces of identifiable public value in the towns and villages of Kirklees. Saved Policy D3 of the Kirklees Unitary Development Plan 1999 (UDP) seeks to safeguard these sites from development, except where this would maintain or enhance the site's value as open land. Saved Policy D3 also allows for the release of UGS for development where this would result in a 'specific community benefit'. The supporting text to this policy notes that in these circumstances usually only small parts of designated UGS would be considered for development. This is because one of its main functions is to safeguard the balance within urban areas between the amount of land that is built-up and the amount of open land. Also, in all cases, the development proposed must protect visual amenity, wildlife value and opportunities for sport and recreation.
10. The appellant has challenged the relevance of saved Policy D3 to these cases in terms of its age and its consistency with the Framework. It is also suggested that it can be seen as a policy which restricts the supply of housing. However, the age of the policy is not in itself an indication of relevance. Furthermore, in the Hopkins Homes judgment<sup>2</sup> the Supreme Court clarified that whilst policies such as this may affect the supply of housing they are not policies for the supply of housing as referred to in paragraph 49 of the Framework.
11. Notwithstanding this point, the Council has accepted that it is unable to demonstrate a five-year supply of housing land, with the parties agreeing that the most that can be claimed is a 2.66 year supply, and that the relevant policies for the supply of housing are out-of-date by virtue of paragraph 49 of the Framework. The fourth bullet point of the Framework paragraph 14 therefore applies. This provides that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.
12. Nonetheless, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. As such the starting point for decision making remains the relevant development plan policy, before other matters such as paragraph 14 of the Framework are considered.

### *Current value as open space*

13. The site is a privately owned field, which I understand has been variously used in recent years as grazing land and for growing crops. At the time of my site visit it appeared as managed grassland and whilst a number of signs are in place to indicate that there is no public access, the open nature of the eastern site boundary suggests that informal use does take place. The public footpath (PROW) running alongside the eastern boundary is outside the appeal site.

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<sup>2</sup> Suffolk Coastal District Council v Hopkins Homes and SSCG, Richborough Estates Partnership LLP and SSCGL v Cheshire East Borough Council [2017] UKSC 37

14. The parties agree in the Statement of Common Ground (SoCG) that the site has no material ecological, wildlife conservation, biodiversity, environmental education or landscape value. Reference is made by objectors to the site's wildlife value but this appears to be limited to the trees scattered about its periphery and the hedgerow on the north western boundary.
15. The Council has undertaken recent assessments of open space, sports and recreation facilities as part of the DLP preparation. The Open Space Study 2015 (Revised 2016) (KOSS) indicates that the appeal site has been categorised as natural/semi natural green space (NSNGS). The primary purpose of such open space is wildlife conservation, biodiversity and environmental education and awareness. This category includes woodlands, local nature reserves, scrubland, grassland, heath or moor, wetlands, wastelands and bare rock habitats, as well as unmanaged and unused sites. The detailed assessment looks at the quality, quantity and accessibility of open space within each category. My review of the contribution of the site presented in the following paragraphs follows this same structure, with a final section looking at landscape value.

*i. Qualitative considerations*

16. The appeal site is given a 'high' value rating based on its physical, social, environmental and visual qualities. Within this assessment, it achieves the highest rating possible in relation to the 'Amenity and Sense of Place' category. This is based on the site's open character and the fact that it provides visual relief in the built up area. However, these benefits are restricted largely to the rear outlook of the occupants of those properties on Selso Road, Rumble Road and Bywell Road which back on to the western side of the appeal site. For these residents the site provides a pleasantly open outlook and an element of tranquillity by virtue of the absence of built form.
17. Users of the PROW also experience a sense of openness in this part of the footpath. The assessment of the level of use of the site is indicated as '2' which, as the appeal site is private land, presumably relates to PROW use. The Council's assessment guidelines indicate that a rating of '2' falls somewhere between 'poorly used' and 'reasonably used'. Whilst the path provides a direct route between Leeds Road and Wakefield Road, at the time of my site visit during a weekday afternoon the footpath was little used and appeared somewhat neglected. Furthermore, notwithstanding distant views of the Pennines to the south and the open nature of the appeal site to the west, it is not particularly attractive as a recreational route as it has high metal railings on one side and limited natural surveillance.
18. The high value given in the Council's assessment is also derived in part from the level of deprivation in this area (assumed to be the Dewsbury East Ward (DEW)), as represented by the Index of Multiple Deprivation ranking of the relevant Super Output Areas. This combines a range of key indicators relating to different elements of deprivation including income, education, housing, crime and health. Out of a maximum score of 5, which would indicate the most deprived area, the appeal site scores 4.
19. Further assessment of relevant health indicators is presented in the Urban Green Space and Local Green Space Technical Paper (2017) (Technical Paper) prepared as part of the DLP. Table 7 of this document indicates that DEW has significant health inequalities in relation to levels of obesity, rates of emergency admission due to respiratory disease and rates of adults feeling lonely or isolated. The

Technical Paper states that green spaces can help to reduce health inequalities through their availability as opportunities for physical activity and a healthier lifestyle. However as the recreational role of the appeal site is limited to providing an open setting for houses and the PROW, its role in addressing these specific health inequalities is restricted.

20. On this point I have also considered the relevant aspects of the Framework. Paragraphs 73 and 74 and the glossary definition of 'open space' have the most direct links with saved Policy D3. The glossary definition refers to open space as being of public value in terms of offering important opportunities for sport and recreation and acting as visual amenity. The question of whether these two limbs of this definition, that is sport/recreation and visual amenity, are meant to be conjoined or can be separately applied is contested by the parties, and indeed has been the subject of different interpretations by Inspectors dealing with similar cases.
21. My view is that the glossary definition is provided in support of paragraphs 73 and 74 within the 'Promoting healthy communities' section of the Framework. These paragraphs read together establish the need for high quality open spaces and opportunities for sport and recreation based on robust assessments of need. Such provision should be protected from development unless it is found to be surplus to requirements, would be replaced by better provision elsewhere, or the development itself is for alternative sports and recreation provision. As such the sport and recreation element of the glossary definition is of primary importance. In this sense it does not appear that the intention was to allow the visual amenity element to be detached as a stand-alone test of the value of open space.
22. I have noted that the sport or recreational role of the appeal site itself is limited to providing an open setting for the PROW and a pleasant outlook for residents. Nonetheless it does have some basic public value in these regards. In this respect it appears that there is some contrast with the case referred to by the appellant<sup>3</sup> relating to a community garden with no formal access or use and which was enclosed by high hedges. In this case a challenge to an Inspector's conclusion that the site had little public value was rejected.
23. Overall, the value of the appeal site in qualitative terms is limited.
  - ii. *Quantitative considerations*
24. The KOSS indicates that the amount of NSNGS within the DEW falls below the required standard of 2ha per 1000 population. The KOSS identifies 14.05ha as NSNGS giving a current level of 0.74ha per 1000. The 4.5ha appeal site contributes around a third of the NSNGS in this area and is the largest of all the sites identified. However, the DLP Inspector's comments in relation to the Stage 1 hearings make reference to the fact that these quantitative assessments have not taken into account the surrounding countryside or other NSNGS in nearby settlements. On this particular point I understand that Green Belt sites have mostly been excluded from the assessment of NSNGS. This is except for local nature reserves and woodlands with formal public access arrangements, though it appears that there are no such sites of any significant size within DEW.
25. The range of alternative sites put forward by the appellant which include Green Belt land have been criticised by the Council. I agree that this evidence has not

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<sup>3</sup> Robinson v SSCLG, Suffolk Coastal District Council and Withers Trust Corporation Ltd [2016] EWHC 634 (Admin)

followed the same rigorous assessment criteria as the KOSS, and that some of the smaller sites would not be appropriate for inclusion. I also agree with the similar assessment made by the Inspector in the White Lee Road case<sup>4</sup> that the appellant's evidence does not indicate with any certainty that a surplus of NSNGS exists.

26. Nevertheless DEW contains 186ha of Green Belt land and is essentially an urban fringe area with a close relationship with the Green Belt curtilage of both Kirklees and the adjoining Council area of Wakefield to the east. Visible connections with open land and countryside to the east and south are evident from a number of vantage points in the vicinity of the appeal site. As such the contribution of these areas to visual amenity and specifically the sense of openness for the residents of DEW is a valid consideration. This suggests that the significance of the quantitative deficiencies of NSNGS within DEW is not as great as the Council's assessment would indicate.

*iii. Accessibility*

27. The Council's standard for access to NSNGS is for residents of towns and villages to have access to such sites within 15 min walking time (720m) and/or be within 2km of a 20ha site. The KOSS indicates that there is no current deficiency in terms of access to NSNGS in DEW. Furthermore, my view is that the role of the appeal site in providing visual relief within the built up area is also performed by some of the other open space designations within the KOSS. For example, the Bywell playing fields are immediately to the north of the appeal site, and Wakefield Road playing fields are close by to the south east. Overall the KOSS demonstrates that there is a good level of access to a wide range of open space types within DEW.

*iv. Landscape value*

28. I have already established the fact that the site has limited landscape value. Furthermore saved Policy D3 is not a landscape protection policy and so this point is not central to the Council's case. Nevertheless, I have considered the landscape character and appearance of the site in terms of the evidence presented, the views of local residents and my own site visit observations.
29. Open views across the site are valued by the occupiers of properties backing onto it. In this respect the site provides a buffer between this housing and the Shaw Cross Business Park to the east, with the large UPS warehouse visible beyond the steep bank lining the eastern side of the PROW. As such, and accepting that the Business Park is a relatively recent addition, the appeal site has intrinsic value to these local residents and users of the PROW as open land. More specifically it gives a semi-rural appearance to an area which is for the most part surrounded by urban land uses. I have also noted that the open nature of the site affords distant views of the Pennine foothills to the south.
30. However, the site itself is mostly flat and featureless with any landscape interest limited to perimeter trees and the section of mature hedgerow on the north western boundary. Indeed, from my observations on site, it seems that the assessment made by the UDP Inspector that the site is 'featureless grassland of undistinguished character and unexceptional appearance' remains as relevant today as it was then.

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<sup>4</sup> APP/Z4718/W/16/3162164



31. There is little or no visibility of the appeal site in the wider area. As such its value in terms of the sense of openness and visual relief beyond its immediate context is limited. The Council makes reference to the fact that the development of land at the Owl Lane site to the east, on the other side of the Business Park, would isolate the appeal site and make its preservation even more important. However, the restricted visibility and landscape value of the appeal site, combined with the extent of green and open areas further to the east and south, mean that this point does not in itself add to its value.

*v. conclusions on current value of open space*

32. Pulling these threads together, the role of the site in relation to both the primary purposes of NSNGS and the specific health deprivation indicators identified by the Council is limited at the present time. Also, whilst a deficiency of NSNGS has been identified in DEW, there is good access to a range of other open space types in this local area. However, the value of the appeal site relates to its open nature and the absence of built form in this urban fringe location, providing an open setting for the PROW and nearby houses. In these basic terms it has some public value. As such its designation as UGS has not been incorrectly applied.

*Effect of development*

33. The proposed developments of 149 dwellings would result in the loss of an area of open land which has intrinsic value to those living close to it. Open views across this area would be lost, as would some of the southern distant views from the PROW to the foothills of the Pennines. As such the semi-rural appearance of this immediate area would be greatly eroded, with the nature of the PROW changing from semi-open to largely enclosed and urban in character.
34. The Council makes a comparison between the effect of the developments on this site and that considered by the Inspector in the White Lee Road appeal. This previous case similarly addressed the loss of an area of privately owned land designated as NSNGS with a PROW separating it from a wider area of UGS. I was able to view this site as part of my site visit and observed that it forms part of an attractive landscape, with the PROW offering stunning views across a wider area. Thus the Inspector's comments regarding the loss of openness and feeling of rurality resulting from the development proposed in this previous case related to an open area which clearly has more strategic landscape significance than that currently under consideration.
35. The developments would be of comparable density to surroundings streets, and would contain a mixture of detached, semi-detached and a small number of terraced properties. This layout would incorporate two areas of public open space (POS): one of modest size close to the northern boundary, and also a good sized space at the southern end which would link to the PROW. The proposed layout plan also indicates a further four potential and proposed links from the site onto the PROW. As such pedestrian permeability through this currently inaccessible site would be achieved, creating opportunities for the PROW to integrate more effectively with a wider range of movement around this area. Suggested amendments to the housing layout to improve opportunities for the natural surveillance of the footpath have been incorporated into the proposals, and improvements to the PROW itself would be funded through the S106 Agreements.

36. Some of the existing perimeter trees would be removed, though there would be additional tree planting to site boundaries, within the POS and in some street and garden areas. This would assist in softening, though clearly not masking or significantly screening, the appearance of what would essentially be an urban landscape.

*Specific community benefit*

37. I have noted that saved Policy D3 allows for development of UGS where this would result in a specific community benefit. The supporting text to this Policy further states that: 'Exceptionally, there may be cases for areas within designated urban green space to be released for development not associated with open land uses where it can be shown that this would result in a specific benefit to the community'.
38. The present schemes would replace the whole UGS area, though two smaller areas of POS would be created. Additionally the S106 Agreements would provide for Off-Site Community Benefit Contributions amounting to £596,000 to fund improvements to Bywell Recreation Ground, Wakefield Road Recreation Ground and Earlsheaton Park. This would include drainage works to enable year round use, footpath improvements, landscaping, seating areas, improvements to play equipment and other sport and recreation provision including football pitches and informal recreation facilities.
39. The Framework at paragraph 204 requires that planning obligations should only be sought if they are 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 funding for the Off-Site Community Benefit Contribution has been identified on the basis of £4,000 per new dwelling. Each of these sites is well within 1km of the appeal site. Whilst not formally part of the Off-Site Community Benefit Contribution, additional funding for play equipment at the Bywell Road site would be provided in lieu of on-site play provision.
40. The full range of improvements originally identified by the Council cannot be funded by this sum, nonetheless I accept that the provisions identified would be sufficient to mitigate the loss of UGS and ensure that these enhanced sport and recreation facilities would meet the needs of the future occupiers of the proposed dwellings as well as existing local residents. As such I am satisfied that the three paragraph 204 tests would be met.
41. Additional obligations are included which would secure the provision of 30 units of affordable housing, a contribution to the educational needs generated by the development, a contribution to the improvement of the PROW, the provision of MetroCards to the future occupiers of the dwellings to encourage the use of public transport, and a contribution towards traffic calming measures associated with the Rumble Road access and Selso Road junctions. I find that each of these elements meet the tests set out in paragraph 204. Furthermore, I have been provided with a signed and dated Planning Obligation Compliance Statement indicating compliance with Regulation 122 of the Community Infrastructure Levy Regulations.



### *Conclusion on Main Issue*

42. The supporting text to saved Policy D3 states that one of the main functions of UGS is to safeguard the balance within urban areas between the amount of land that is built up and the amount of open land. In these simple terms this proposed development would undermine this policy purpose. Furthermore, the final limb of the relevant sub-section of this policy requires that, in all cases, the development proposed will protect visual amenity, wildlife value and opportunities for sport and recreation. In this case I have identified the fact that the visual amenity of some local residents would be harmed by this development, in that what are currently open views would be replaced by built form.
43. Balanced against this I have found that in qualitative terms the current value of the appeal site as NSNGS is limited. I have also noted that the development would bring some improvements to the site itself in terms of landscaping, access to the PROW, small areas of POS and enhancement of wildlife value.
44. With reference to the 'exceptional' situation in which development of UGS may be justified by a specific community benefit, the appellant has provided Section 106 Agreements to fund improvements to local sports and recreation facilities. Such provision would improve local opportunities for participation in both formal and informal sport and recreation in the local area. As such a more direct contribution would be made to the health outcomes identified earlier.
45. Nevertheless it remains that when assessed against all the requirements of saved Policy D3 there would be conflict with the need to protect visual amenity. In this respect the proposals would have a harmful effect on the provision of UGS in DEW.

### **Other Matters**

46. I have taken into consideration the views and concerns of local residents as expressed in both the letters relating to the planning applications and in person at the hearing. I give further consideration to the main points made below.

#### *Access and Highway Matters*

47. Reference is made to possible congestion from the additional traffic which would be generated by the developments, particularly at the traffic lights from Bywell Road onto Leeds Road and Wakefield Road. Nevertheless the Transport Assessment has demonstrated that, taking all traffic considerations into account, including the operation of local schools, the traffic generated by the proposals would have no material impacts on the safety and operation of the highway network, or significantly add to any peak time congestion.
48. Concerns about pedestrian safety are also raised, noting the presence of a high proportion of elderly people in the area and also children accessing local schools. Particular reference is made to the possibility that there would be additional cars parked in roads to the west of the appeal site, and also speeding traffic. These proposals may well result in additional cars parking in local roads around school drop off and pick up times. However as parking for the new dwellings would be provided on site it does not appear that this would be a significant problem for most of the day. Furthermore, in addition to the existing traffic calming measures in place in the form of raised platforms at junctions along Bywell Road, the S106 Agreements make provision for the funding of further traffic calming measures to reduce vehicle speeds if the Council determines that this is required.

49. Reference is also made to the potential disruption to local bus services as the result of additional parking on Selso Road. However, this local road is of reasonable width and so this would be unlikely to lead to problems of any significance.
50. I have also noted concerns about the inadequacy of the width of the access point to the site from Rumble Road, particularly if cars are parked in the street. Nevertheless it is clear that the geometry and width of this area meet the required design standards.
51. Reference is also made to additional air pollution from car engines resulting from these schemes. Whilst this may be the case, this location is well served by public transport. Furthermore, provisions to support sustainable transport modes, including funding for residents' MetroCards within the S106 Agreements, would ensure that any adverse effects are minimised.

#### *Living conditions*

52. I have some sympathy with the fact that the living conditions of the occupiers of dwellings which back onto the appeal site would change, both during development and when new residents move into this area. For the occupants of these properties there would be additional noise and activity which would contrast with the current situation. Whilst I have taken this point into consideration, it must be balanced against the fact that such effects are likely to be experienced whenever new houses are built. Such considerations should not in themselves stymie growth, subject to any necessary safeguards.
53. The proposed dwellings would be mostly 2 storeys, though some would be two and a half storeys in height. Whilst some existing dwellings in surrounding streets are of similar height, there are also a number of bungalows backing onto the appeal site. However, whilst recognising the potential for overlooking, there would be reasonable distances between the existing and proposed dwellings, and these proposals have been designed in accordance with design standards which seek to protect residential amenity. Therefore an appropriate level of privacy for properties in what is an urban fringe location would be provided.

#### *Land safety and stability*

54. References to this being a former coal mining area, with resulting contamination and safety concerns, have been addressed by submissions made by the appellant. As such specific conditions relating to further investigation and remedial work could be required if necessary.

#### *School capacity*

55. A sum to fund the additional school places that would be required as the result of these developments has been calculated by the Local Education Authority and incorporated into the S106 Agreements. Whilst concern is expressed about the adequacy of this sum, it is clear that these schemes would result in the further expansion of the local community in this area, with spin-off benefits in terms of support for both the local economy and local services.

### **Balancing and Conclusions**

56. I have found that the proposal would be contrary to UDP saved Policy D3 which seeks to protect UGS. Of specific concern is that the development of this field

would have a harmful effect on the visual amenity of some local residents, particularly those whose homes back onto the appeal site. However, as the degree of harm identified is restricted by the lack of visibility of the site in the wider area, I attribute limited weight to the conflict with this policy.

57. Furthermore, set against this harm is the modest value of the site as NSNGS in qualitative terms, the fact that the quantitative deficiencies of such provision in DEW is not as great as the Council suggests, and the fact that the site has limited landscape or wildlife value. I have also noted that the developments proposed could bring about some benefits in terms of improvements to landscaping and publicly accessible open space, both on site and through the provision of funding through the Section 106 Agreements to fund improvements elsewhere.
58. I identified at the outset that there is a significant shortfall in the supply of housing within the Borough and that paragraph 14 of the Framework applies.
59. When considered against the three dimensions of sustainable development the proposed developments would make a social contribution towards helping address the shortage of housing in the Borough as a whole. This would include the provision of 30 units of affordable housing which would help address local needs in this regard. Environmentally, there would be the loss of open land, though I have also noted the improvements to landscaping and the footpath itself.
60. Economically, the loss of a modestly sized area of agricultural land to development would not have a significant adverse effect. The developments would generate construction employment and the additional households would increase the spending power of the local community to the benefit of businesses and services in the area.
61. My overall conclusion in these cases, having considered all matters, including those raised by local residents, is that the adverse impacts of the proposals would be limited and fall short of significantly and demonstrably outweighing the benefits of 149 dwellings in helping address the shortfall in housing land supply. As a result the presumption in favour of sustainable development applies. Consequently, whilst there would be a conflict with the development plan, the other material considerations are of sufficient weight to outweigh that finding.

### *Conditions*

62. I have considered the conditions suggested in these cases which, having regard to Planning Practice Guidance, I have amended in the interests of clarity and enforceability. The following refers to both those conditions listed with reference to Appeal A and those listed with reference to Appeal B.
63. A condition detailing the approved plans is required to provide certainty. Conditions requiring details of wall and roof materials and landscaping are necessary in the interests of the character and appearance of this area. It is necessary to include a condition requiring noise mitigation measures to be introduced to some dwellings in the interests of the living conditions of future occupiers.
64. Conditions relating to the investigation and treatment of contaminated land are required to ensure that risks to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Those relating to the satisfactory means of surface water disposal, including during the construction phase and also resulting from extreme weather events, are required to prevent the increased risk of flooding. In the interests of protecting and enhancing local wildlife a condition seeking to promote biodiversity is necessary.

65. Conditions relating to internal highway layout and lining to the junctions of local roads are required in the interests of the safety of the local highway network. A condition requiring a Construction Method Statement is necessary for the same reasons, whilst also to protect the living conditions of local residents. Finally a travel plan and electric vehicle charging points are required in the interest of promoting environmental sustainability. It is essential that the requirements of the above conditions are put into place prior to the development commencing to ensure that the development is acceptable in respect of the matters they seek to address.

### **Final Conclusion**

66. For the reasons identified above, the appeals should succeed.

*AJ Mageean*

INSPECTOR

## APPEARANCES

### FOR THE APPELLANT:

Justin Gartland	Lichfields
Brain Denney	Pegasus Group
Richard Sagar	Walker Morris
Martin Whittaker	Optima Highways
Kate Schofield	Walker Morris
Paul Thornton	Permission Homes
Adam Jackson	Lichfields

### FOR THE LOCAL PLANNING AUTHORITY:

Bill Topping	Kirklees Council, Planning Service
Andrea Lane	Kirklees Council, Planning Service
Andrew Muddiman	Kirklees Council, Environment and Greenspace
Rebecca Drake	Kirklees Council, Planning Service

### INTERESTED PERSONS:

Melanie Walker (rep)	Local Resident
A Watts	Local Resident
John Goldthorpe	Local Resident
Ian Townend	Local Resident
Brain Smith	Local Resident
Margaret Brooke	Local Resident
Christopher Brown	Local Resident
Anne R Brown	Local Resident
Roger Lewis	Local Resident
A Moorhous	Local Resident
Cllr Cathy Scott	Local Resident
Nicolas Hirst	Local Resident
James Garbett	Walker Morris
James Parkin	Permission Homes

### DOCUMENTS

- 1 Planning Obligation Compliance Statement
- 2 Note summarising Off-Site Community benefit Contribution:  
Proposed Expenditure
- 3 Summary of S106 Agreement with respect to Appeal A
- 4 Summary of S106 Agreement with respect to Appeal B
- 5 Signed and dated S106 Agreement relating to Appeal A
- 6 Signed and dated S106 Agreement relating to Appeal B

## **Schedule of Conditions: Appeal A**

- 1) The development hereby permitted shall be begun not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in complete accordance with following the approved plans and specifications except as may be required by other conditions: Location Plan RR-2015-01; Proposed Layout Plan RRD-2017:001D; Landscape Masterplan YOR.2651.005 Rev B; Boundary Treatments 423-BOUN-01; Plans and Elevations: Bickleigh BK-WD10 Rev C; Plans and Elevations: Clayton Corner CCA-WD10 Rev H; Plans and Elevations: Chedworth CD-WD10 Rev P; Plans and Elevations: Hanbury HB-WD10 Rev R; Plans and Elevations: Hatfield HT-WD10 Rev S; Plans and Elevations: Roseberry RS-WD10 Rev S; Plans and Elevations: Rufford RF-WD10 Rev T; Plans and Elevations: Single and Double Garage SGD-01 Rev B; Plans and Elevations: Souter SU-WD10 Rev U; Plans and Elevations: The Alwick AN-WD10 Rev F; Plans and Elevations: Winster WS-WD10 Rev U; Illustrative Sections YOR.2651.07; Levels and Drainage Layout Rev A; Garages 6X3 SGD-02 Rev B.
- 3) Prior to commencement of the development hereby approved details of the walling and roofing materials to be used, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with approved details.
- 4) No development shall commence until there shall have been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of the development.
- 5) All planting, seeding or turfing included in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) Before construction of the buildings identified in drawings SK05 & SK06 of the Noise Assessment report by WYG Planning and Environment dated 26 January 2017 (ref: A095148) as requiring noise mitigation, a noise mitigation scheme for those plots shall be submitted to and approved in writing by the Local Planning Authority. In addition to the standard double glazing and acoustic background ventilation specified in the above mentioned WYG report, the mitigation scheme shall include a specification for a means of providing rapid acoustic ventilation for the purposes of achieving thermal comfort without the need to open windows. The mitigation scheme shall be implemented before the plot is brought into use and retained permanently thereafter.
- 7) No development shall commence until a Phase II Intrusive Site Investigation Report to provide a land contamination risk assessment has been submitted to and approved in writing by the Local Planning Authority.



- 8) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use.
- 9) In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy, or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the Local Planning Authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.
- 10) Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.
- 11) No development shall commence until a scheme detailing the provision of electric charging points within the development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to occupation of the development, or in accordance with a timeframe to be agreed with the Local Planning Authority, and subsequently be retained permanently thereafter.
- 12) No development shall commence until a scheme detailing separate foul, surface water and land drainage, (including off site works, outfalls, an agreed surface water discharge rate with the LLFA, balancing works incorporating the critical 1 in 30 and 1 in 100 storm events with a 30% allowance for climate change, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned, and percolation tests, where appropriate) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a detailed maintenance and management regime for the piped watercourse and works for the lifetime of the development. None of the dwellings shall be occupied until such approved drainage scheme has been provided on the site to serve the development, or each agreed phasing of the development to which the

dwelling relate, and retained thereafter in accordance with the agreed management and maintenance plan.

- 13) No development shall commence until a detailed assessment of, and scheme to mitigate, the effects of 1 in 100 year storm events, with an additional allowance for climate change, exceedance events and blockage scenarios on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area, in both directions, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall develop the solution shown on Drainage Strategy Plan 4565-C-D10-10 Rev A included in the revised Flood Risk Assessment and Surface Water/SUDS Strategy Report 4565 FRA01B dated 26th April 2017, where routes avoid property and curtilage. No part of the development shall be brought into use (and dwellings shall not be occupied) until the works comprising the approved scheme have been completed. The approved scheme shall be retained permanently thereafter.
- 14) No development shall commence until a scheme detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:
- phasing of the development and phasing of temporary drainage provision.
  - include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.
- The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.
- 15) No development shall commence until a scheme detailing biodiversity enhancement (including bird and bat roost opportunities within the development) shall be submitted for the written approval of the Local Planning Authority. The approved scheme shall be implemented prior to occupation, or in accordance with a timetable to be agreed with the Local Planning Authority, and retained permanently thereafter.
- 16) No development shall commence until a scheme detailing the programme of works, internal highway layout, and construction specification, and all associated highway works together with the appropriate level Road Safety Audits has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved scheme has been implemented. The implemented scheme shall be retained permanently thereafter.
- 17) No development shall commence until a scheme detailing give way lining at the junctions of Selso Road and Hobart Road with Rumble Road has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the approved scheme has been implemented. The implemented scheme shall be retained permanently thereafter.



- 18) No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors;
  - ii. loading and unloading of plant and materials;
  - iii. storage of plant and materials used in constructing the development;
  - iv. wheel washing facilities;
  - v. measures to control the emission of dust and dirt during construction;
  - vi. a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - vii. delivery, demolition and construction working hours;
  - viii. site manager and resident liaison officer contact details (including their remit and responsibilities)
  - ix. advisory directional/speed limit signage on Rumble Road.
- The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 19) Prior to the occupation of the first dwelling, a scheme for the provision and maintenance of a full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include measures to improve and encourage the use of sustainable transport. The measures will include (but not limited to) the provisions as laid out within the Framework Travel Plan Rev 2 dated 12 April 2017 that accompanies this application. The full Travel Plan will include details of how and when measures will be introduced, as well as targets to achieving sustainable mode share throughout the lifetime of the plan. This will include:
- targets aimed at lowering car use, particularly single occupancy trips, from/to the site;
  - a program for monitoring the Travel Plan and its progress and how its objective of more sustainable travel will be promoted.
- The approved Travel Plan shall thereafter be retained throughout the lifetime of the development.

## **Schedule of Conditions: Appeal B**

- 1) The development hereby permitted shall be begun not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in complete accordance with the following approved plans and specifications except as may be required by other conditions: Location Plan RR-2015-01; Proposed Layout Plan RRD-2017:001E; Landscape Masterplan YOR.2651.005 Rev B; Boundary Treatments 423-BOUN-01; Plans and Elevations: Bickleigh BK-WD10 Rev C; Plans and Elevations: Clayton Corner CCA-WD10 Rev H; Plans and Elevations: Chedworth CD-WD10 Rev P; Plans and Elevations: Hanbury HB-WD10 Rev R; Plans and Elevations: Hatfield HT-WD10 Rev S; Plans and Elevations: Roseberry RS-WD10 Rev S; Plans and Elevations: Rufford RF-WD10 Rev T; Plans and Elevations: Single and Double Garage SGD-01 Rev B; Plans and Elevations: Souter SU-WD10 Rev U; Plans and Elevations: The Alwick AN-WD10 Rev F; Plans and Elevations: Winster WS-WD10 Rev U; Garages 6X3 SGD-02 Rev B.
- 3) Prior to commencement of the development hereby approved details of the walling and roofing materials to be used, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with approved details.
- 4) No development shall commence until there shall have been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of the development.
- 5) All planting, seeding or turfing included in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) Before construction of the buildings identified in drawings SK05 & SK06 of the Noise Assessment report by WYG Planning and Environment dated 26 January 2017 (ref: A095148) as requiring noise mitigation, a noise mitigation scheme for those plots shall be submitted to and approved in writing by the Local Planning Authority. In addition to the standard double glazing and acoustic background ventilation specified in the above mentioned WYG report, the mitigation scheme shall include a specification for a means of providing rapid acoustic ventilation for the purposes of achieving thermal comfort without the need to open windows. The mitigation scheme shall be implemented before the plot is brought into use and retained permanently thereafter.
- 7) No development shall commence until a Phase II Intrusive Site Investigation Report to provide a land contamination risk assessment has been submitted to and approved in writing by the Local Planning Authority.

- 8) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use.
- 9) In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy, or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the Local Planning Authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.
- 10) Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.
- 11) No development shall commence until a scheme detailing the provision of electric charging points within the development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to occupation of the development, or in accordance with a timeframe to be agreed with the Local Planning Authority, and subsequently be retained permanently thereafter.
- 12) No development shall commence until a scheme detailing separate foul, surface water and land drainage, (including off site works, outfalls, an agreed surface water discharge rate with the LLFA, balancing works incorporating the critical 1 in 30 and 1 in 100 storm events with a 30% allowance for climate change, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned, and percolation tests, where appropriate) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a detailed maintenance and management regime for the piped watercourse and works for the lifetime of the development. None of the dwellings shall be occupied until such approved drainage scheme has been provided on the site to serve the development, or each agreed phasing of the development to which the

dwelling relate, and retained thereafter in accordance with the agreed management and maintenance plan.

- 13) No development shall commence until a detailed assessment of, and scheme to mitigate, the effects of 1 in 100 year storm events, with an additional allowance for climate change, exceedance events and blockage scenarios on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area, in both directions, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall develop the solution shown on Drainage Strategy Plan 4565-C-D10-10 Rev A included in the revised Flood Risk Assessment and Surface Water/SUDS Strategy Report 4565 FRA01B dated 26th April 2017, where routes avoid property and curtilage. No part of the development shall be brought into use (and dwellings shall not be occupied) until the works comprising the approved scheme have been completed. The approved scheme shall be retained permanently thereafter.
- 14) No development shall commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:
- phasing of the development and phasing of temporary drainage provision.
  - include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.
- The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.
- 15) No development shall commence until a scheme detailing biodiversity enhancement (including bird and bat roost opportunities within the development) shall be submitted for the written approval of the Local Planning Authority. The approved scheme shall be implemented prior to occupation, or in accordance with a timetable to be agreed with the Local Planning Authority, and retained permanently thereafter.
- 16) No development shall commence until a scheme detailing the programme of works, internal highway layout, and construction specification, and all associated highway works together with the appropriate level Road Safety Audits has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved scheme has been implemented. The implemented scheme shall be retained permanently thereafter.
- 17) No development shall commence until a scheme detailing give way lining at the junctions of Selso Road and Hobart Road with Rumble Road has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the approved scheme has been implemented. The implemented scheme shall be retained permanently thereafter.

18) No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. wheel washing facilities;
- v. measures to control the emission of dust and dirt during construction;
- vi. a scheme for recycling/disposing of waste resulting from demolition and construction works;
- vii. delivery, demolition and construction working hours;
- viii. site manager and resident liaison officer contact details (including their remit and responsibilities)
- ix. advisory directional/speed limit signage on Rumble Road.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

19) Prior to the occupation of the first dwelling, a scheme for the provision and maintenance of a full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include measures to improve and encourage the use of sustainable transport. The measures will include (but not limited to) the provisions as laid out within the Framework Travel Plan Revision 2 dated 12 April 2017 that accompanies this application. The full Travel Plan will include details of how and when measures will be introduced, as well as targets to achieving sustainable mode share throughout the lifetime of the plan. This will include:

- targets aimed at lowering car use, particularly single occupancy trips, from/to the site;
- a program for monitoring the Travel Plan and its progress and how its objective of more sustainable travel will be promoted.

The approved Travel Plan shall thereafter be retained throughout the lifetime of the development.

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

## **PLANNING POLICY**

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

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

The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The 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: 11-Jan-2018

**Subject: Planning Application 2017/90620 Planning permission for demolition of existing buildings, change of use of existing building to mixed uses comprising B1a (offices)/B1c (light industrial) and C3 (up to 27 dwellings) and associated parking and outline permission for erection of 75 dwellings. Dobroyd Mills, Hepworth Road, New Mill, Holmfirth, HD9 1AF**

#### APPLICANT

Z Hinchliffe & Sons Ltd,  
c/o agent

#### DATE VALID

24-Feb-2017

#### TARGET DATE

26-May-2017

#### EXTENSION EXPIRY DATE

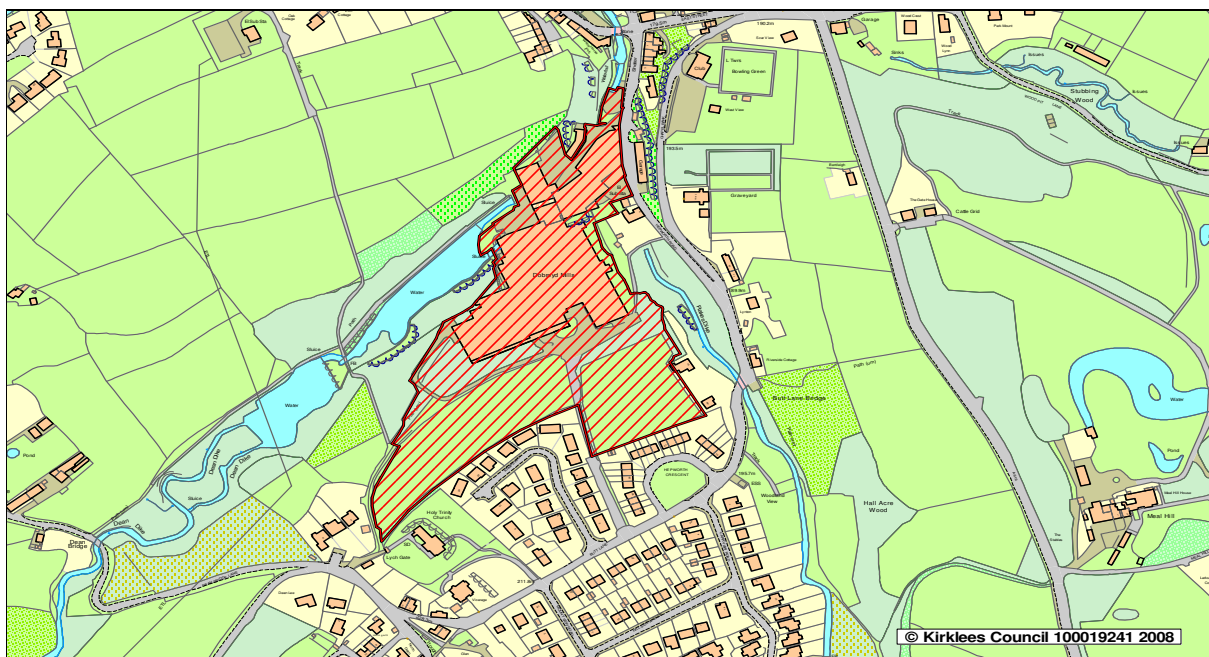
11-Jan-2018

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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: Holme Valley South**

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 and to secure a S106 agreement to cover the following matters:

.Education - £347,631 comprising £182,742 to Hepworth Junior and Infant School and £164,889 to Holmfirth High School.

.Public Open Space – management and maintenance of POS

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

**1.0 INTRODUCTION:**

1.1 The application is presented to Strategic Planning Committee as it represents a departure from the development plan as part of the site is on land allocated as Provisional Open Land within the Kirklees UDP. Additionally the proposal involves residential development of more than 60 units.

**2.0 SITE AND SURROUNDINGS:**

2.1 The site is located between Hepworth and Jackson Bridge and lies approximately 7.5 miles to the south of Huddersfield. The site covers an area of 3.9ha and is generally split in terms of character. On the northern most portion of the site are a range of former mill buildings dating from approximately 1830. This part of the site is brownfield land and lies in the Green Belt. The southern portion of the site comprises two fields which are allocated as Provisional Open Land (POL) on the Unitary Development Plan.

2.2 The main access to the site is taken from Hepworth Road but there is an additional access taken from Butt Lane which follows the line of a public footpath (HOL/207/10).

- 2.3 The site lies within the River Holme valley albeit on the western valley slope which rises up from Jackson Bridge up to and beyond Hepworth. The access to the mill buildings off Hepworth Road lies on the lowest part of the site but there is a distinct change in levels beyond the mill buildings where the land rises sharply up to the POL land. The POL land also rises steeply east to west from Hepworth Road.
- 2.4 The site is bounded to the south by properties which lie off Kemps Way and Hepworth Crescent. To the east there are a number of trees which provide a substantial buffer between Hepworth Road and the site. In the north western corner of the site are a large number of trees on either side of the banks of a pond which was associated with the former mill uses. Beyond the site boundary to the north are a number of open agricultural fields.

### **3.0 PROPOSAL:**

- 3.1 The application is a hybrid submission involving a full application for the change of use of the existing mill building, and an outline application for the development of part of the existing mill site and the remaining greenfield land for housing.
- 3.2 The proposal involves the demolition of the existing buildings and structures within the site other than the 19<sup>th</sup> century former mill building which lies at the northern end of the site, and a building which is currently used by Hepworth Band which lies in the same area.
- 3.3 The proposal also involves an outline application for up to 75 dwellings with all matters reserved except for access which relates to the area of the site which comprises POL land and some of the land allocated as Green Belt.
- 3.4 The proposal involves a change of use of one of the existing mill buildings to include:
- Up to 650m<sup>2</sup> B1a (offices) or B1c (light industrial)
  - Up to 27 apartments (1719m<sup>2</sup> floorspace).
  - Associated parking
- 3.5 The creation of a new access point from Hepworth Road and the closure of the existing access for vehicles off Butt lane (although it would still be available for pedestrians and cyclists).

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

- 4.1 2013/91491 – Prior notification for demolition of existing mill buildings – withdrawn.
- 88/00553 – Change of use of existing disused warehouse to 15 dwellings with ground floor garaging – Approved subject to conditions.

There are a number of other relatively minor applications which cover various works within the existing mill buildings.

### **5.0 HISTORY OF NEGOTIATIONS**

5.1 The applicant has submitted additional information as requested by officers as follows:

- Additional details concerning the phasing arrangement.
- Additional information concerning highways matters, particularly regarding traffic generation.
- Further information concerning the change of use of the building and alterations to the uses proposed.
- Calculations regarding the demolition of the existing buildings and structures and the impact of the proposed development on the Green Belt.
- Additional retail impact assessment information.
- Flood risk information and additional drainage details.
- Vacant building credit information.

## 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 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 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.

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

D5 - Provisional Open Land  
D12A - Re-use of buildings in the Green Belt  
H1 - Housing Need  
H10/12 - Affordable Housing  
H18 - Provision of Open Space  
BE1/2 - Design and the Built Environment  
BE11 - Building Materials – Natural Stone in Rural Area  
BE12 - New dwellings providing privacy and open space  
BE23 - Crime Prevention Measures  
EP10 - Energy Efficiency  
EP11 - Landscaping  
T1 - Sustainable Transport Strategy  
T10 - Highways Safety / Environmental Problems  
T16 - Pedestrian Routes  
T19 - Off Street Parking  
G6 - Contaminated Land

## Kirklees Draft Local Plan Strategies and Policies (2017):

PLP3 – Location of New Development  
PLP7 – Efficient and effective use of land and buildings  
PLP11 – Housing Mix and Affordable Housing  
PLP20 – Sustainable Travel  
PLP21 – Highway safety and access  
PLP22 – Parking  
PLP24 – Design  
PLP27 – Flood Risk  
PLP28 – Drainage  
PLP30 – Biodiversity and Geodiversity  
PLP32 – Landscape  
PLP35 – Historic Environment  
PLP48 – Community facilities and services  
PLP51 – Protection and improvement of local air quality  
PLP52 – Protection and improvement of environmental quality  
PLP 57 – Green Belt – extension, alteration or replacement of existing buildings  
PLP61 – Urban Green Space  
PLP62 – Local Green Space  
PLP63 – New Open Space

### 6.2 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

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 as a Major Development, a Departure from the Development Plan, affecting the Setting of a Listed Building and affecting a Public Right of Way. A total of 44 representations have been received which are summarised below. A response to these points is provided in the main body of this report unless otherwise stated:

- New buildings could ruin the character of the traditional village and an estate would overwhelm it.
- The protection of Hepworth's visual, historic and ecological qualities are also supported by para 64 of the National Planning Policy Framework which states permission should be refused for development of poor design that fails to take opportunities available for improving character and quality of an area and the way it functions.

- Siting of the development on greenfield is ill considered used by many villagers and tourists for walking dogs.

*Officer response – the site is allocated as Green Belt and POL. It does not form an identified area of green space. However, it is acknowledged that a number of footpaths route through the site and there would be a requirement to ensure that these were incorporated into any reserved matters submission. The area of protected woodland, footpath and pond area would be unaffected by the development.*

- Building would diminish views from surrounding countryside.
- Site contains important natural habitats for protected species and is an area of significant ecological importance.

*Officer response – the application has been accompanied by an ecological assessment and bat survey. The application has been assessed by the Council's biodiversity officer and no objections are raised, subject to conditions.*

- My objection to the plan is that there does not seem to be provision to allow vehicular access to my property at the rear of 8 Hepworth Road yet there is clearly a historical precedent and a current need to allow vehicular access.

*Officer response – This is a private civil matter and not one which affects the determination of this application.*

- The proposed development would inevitably mean an increase in the number of children requiring schooling. Currently, the local school is very close to capacity and would not be able to accommodate the huge increase that a development of this size would bring. Your calculations of 15 extra school places will be required for Hepworth School are extremely low and misleading for a development of this scale. At the school, there is no scope for extending the classes due to lack space and funding so therefore the local school cannot accommodate the needs of the potential families who may live here. Looking further afield into the next village, Scholes is nearly at full capacity so also cannot provide places either. This must be a huge point for the planning not to go ahead, as no one can argue with how important and vital the education of our children is. If the local school cannot provide the essential education to meet the needs of our children, then in my opinion the plan to build these houses is unacceptable.

*Officer response - The Council has a statutory duty to ensure that there are sufficient high quality school places to meet the needs of Kirklees families and communities. Physical expansion of schools is just one way of accommodating an increase in population and other options include modular accommodation, the re-organisation of schools and the commissioning of new schools. The planning of new school places is a strategic and inherently complex process due to the amount of variables involved. In terms of the contribution required, this is based on existing school capacity and population projections and is applied utilising a consistent methodology which is applied across all development proposals in Kirklees.*



- In addition to this, currently the school run at Hepworth School is already at a point where the village is struggling to cope with the increased traffic. There have been several campaigns run by the villagers and the school itself to promote safe driving and tackle the growing congestion problems. This will only become more of a problem if a development of this size is built, as the traffic will certainly rise.
- Furthermore, on the matter of traffic and congestion, with the intended development, approx 93 dwellings, business and industrial units, and restaurant / café facilities, this will lead to an unsustainable increase in traffic not only through the village, but also there will be many new vehicles accessing and leaving the site. The main access point to the A616 is at the top of Bank Street, this is already a narrow and difficult junction, especially so for cars turning onto the A616 in the direction of Sheffield. Bank Street and at the junction is not even two cars wide and problems occur when cars meet, leading to congestion and difficult driving, this development will obviously increase this. The junction onto the A616 here is totally blind when turning right (direction Sheffield) and very dangerous. Vehicles may choose to access the A616 via the junction at Gatehead – this would mean increased traffic up Butt Lane, here there are no pavements, again endangering the lives of pedestrians.

*Officer response – a detailed response will be provided as an update to Strategic Planning Committee following the receipt of comments from Highways DM.*

- According to the plans, the “gap” between the settlements of Jackson Bridge and Hepworth will effectively disappear, and the two villages will be joined together. This is a fundamental change to the two historic settlements, and will erode the characters of both of them. It would be preferable to maintain a “corridor” between the settlement of Hepworth and that of Jackson Bridge , for not only these cultural and historic reasons, but also for the maintenance of biodiversity. Corridors play an extremely important role in the maintenance of biodiversity. A corridor between the development and the existing housing in Hepworth would enable migration, colonisation and interbreeding of plants and animals.

*Officer response – The Council's biodiversity officer has been consulted and requires that biodiversity enhancement and further mitigation is submitted at reserved matters stage.*

- We would like to state that we would not object to the redevelopment of Dobroyd Mills, if it was limited to the mill building. As much of the mill is now semi-derelict or in a poor state of repair a sympathetic redevelopment would be positive for the area. However, we feel that the proposal in this initial application is for too large a development on green fields and will have a very detrimental impact on a small rural village. Therefore, feel we must object to the application in its current form.
- Given the nature and character of the area I feel it very important that mature trees - particularly those to the boundary of the site are retained - as I understand from the report this is the intention, but I am surprised these beautiful mature trees are not already protected and certainly think they should be moving forwards as part of any planning permission granted.

*Officer response - The north, west and east of this site is bounded by mature woodland, with groups of mature trees located internally around the site's grounds. These trees and woodlands are prominent features of the landscape and a valuable wildlife resource in the locality, therefore they provided significant public amenity. Until now, these trees and woodlands were not protected but given the public amenity they provide, and taking account of the outline application for development on site, a new TPO was served on these trees. In addition, any subsequent reserved matters submission will be required to take into account the impact on the trees and a condition is recommended regarding a revised arboricultural assessment.*

- The roads through Jackson Bridge and Hepworth are minor roads and totally unsuitable.
- Lack of pavements on local roads.
- Increase in traffic and disturbance during the construction phase.
- The suggestion that the footpath between Jackson Bridge and Hepworth School can be used as a suitable footpath for school fails to recognise that the footpath is in a poor state of repair and is extremely muddy during many months of the year.
- The highways report is flawed many minor accidents never recorded.
- Concrete/tarmac will lead to drainage problems.
- As well as impact at top of Bank Street onto A616 other potential ingress and access points would involve a significant increase in traffic onto East Street, Jackson Bridge. The junction onto the A616 here is totally blind when turning right (direction Sheffield) and very dangerous. Vehicles may choose to access the A616 via the junction at Gatehead – this would mean increased traffic up Butt Lane (where there are no pavements), a reflex left turn on a steep hill into Towngate, and through the centre of Hepworth, already narrow, crowded and badly potholed, past Hepworth Junior and Infant School, again where there is inadequate pavements. This would add to congestion and air pollution in a densely populated village centre and school premises and playground, and increase the chance of an accident, possibly involving children.
- There is a lack of detail in the application. The adverse impacts of the development have not been given due consideration. This includes, but is not limited to egress/ingress to the A616 with the junctions with Bank Street, East Street, Foster Place Lane; and Gate Head Lane.
- The traffic flow and the impact on local road infrastructure for 93 new dwellings and use of commercial premises, especially in relation to the current on-road parking on Bank Street, East Street and Scholes Road.
- Insufficient detail regarding improvements to pedestrian and cycling facilities in the surrounding area.

*Officer response – a detailed response will be provided as an update to Strategic Planning Committee following the receipt of comments from Highways DM.*

- Lack of detail regarding parking of vehicles.
- Lack of proposals for affordable housing/social rented.
- Lack of detail regarding materials to be used in construction.
- Limited information on alternative transport to access offices, light industry and retail given lack of figures on employment, lack of operating hours for non-residential.
- Lack of information on use or storage of hazardous substances.

*Officer response – there are no proposals to store significant quantities of hazardous substances.*

- No details on how the demolition of the mill will take place.

*Officer response – a planning condition is recommended concerning the demolition of the existing building.*

- Site is potentially contaminated and burning of material has taken place which may have contaminated the ground.

*Officer response – conditions are recommended concerning contamination.*

- Development on the POL and the land would actually result in a net loss to the openness of the existing green belt not a gain. This can be seen from these pictures, no planning approval should not be granted on the land to the rear of Hepworth Crescent nor Kemps Way (SL2192).
- To safeguard the setting of the listed church there should not be any development on the provisional open land (POL), beyond the line of the boundary between the properties of 14 and 16 Kemps Way.

*Officer response – addressed in the relevant section of this report.*

- Consideration of moving routes of the existing public footpaths to the border of the development (using the proposed buffer zones) to help support delineation between Jackson Bridge and Hepworth, privacy for existing and new residents Communal Recreation Space Consideration of new communal recreation spaces to help support delineation between Jackson Bridge and Hepworth, reduce demand on existing faculties at Hepworth recreational field.

*Officer response – the diversion of any footpaths would require a separate application process. Any subsequent reserved matters submission would have to successfully incorporate footpaths into the development proposals.*

- Para 3.2.7 Does not reflect narrowness of roads, current parking access onto the A616, action to address the lack of pavements on Hepworth Road, Butt Lane.
- Para 3.28 Safe routes access to access the school could be improved and does not reflect the increased traffic of parents bringing children to school by car, does not offer alternatives to access to school by car.
- Para 3.2.9 Does not address safe access to the A616 from Jackson Bridge with increased traffic flows and no mitigating action.
- Para 3.3.5 'With the additional on-site pedestrian facilities, it is concluded that safe and convenient access to the site is readily available for pedestrians.' This fails to address the off-site pedestrian facilities that will support a safe and sustainable transport plan for the site e.g. safe routes to school, safe access to bus stops,
- Para 3.3.9 presents no evidence on how ' In consideration of the above, it is judged that there are practical and convenient links available to and from the proposed development offering the potential for residents to walk or cycle to local facilities and employment areas.' It fails to demonstrate how safe cycle routes to the surrounding amenities will be maintained given increased traffic flows and current lack of dedicated cycle lanes on the surrounding highway infrastructure.
- Para 3.4.4. assumes that the current public transport options will remain in perpetuity, this highly unlikely to be the case. Have the applicants had any discussion with providers and KMC on continued provision of public transport to the site and its environs?
- Para 3.6.1 Describes a single survey Thursday 17th March 2016) between 07:00 and 09:30 and 16:00 to 18:30, this does not provide sufficiently robust data upon which to base conclusions. Further surveys should be carried out and include weekends/evenings to understand the impact of the current retail/cafe facilities as a proxy for those proposed in the development.
- Para's 5.2.3 and 5.4.4. significantly underestimate the potential impact of traffic. The development proposes 93 residential units and estimates only 51 departures in the morning peak. This does not seem to reflect the realities of families taking children to school or leaving for employment in the known commuting conurbations from Hepworth of Huddersfield, Halifax, Wakefield, Bradford, Leeds and Manchester.
- Section 5.6 does not reflect the reality of the impact of on-street parking and traffic flow on Bank Street, especially two way flow at peak times and safe ingress/access to the A616. The conclusion in para 5.6.5 is erroneous and further analysis of offsite junctions, including current and future layouts should be considered.

*Officer response – a detailed response will be provided as an update to Strategic Planning Committee following the receipt of comments from Highways DM.*

- Given the location of the site, the travel to work distances of residents and therefore ownership of cars would mean that the provision of only 106 spaces in total for the houses, (section 5.7), would lead to these residents either parking on the street within the development, using spaces allocated for the retail/flats, or on street parking on the surrounding highways.
- Use of a community infrastructure levy or section 106 funding for:

*Improvements to and maintenance of the 'walk to school' footpath through Carr Wood; and*

*Reducing congestion in Jackson Bridge with impact of increased and car parking obstructions to flow.*

*Officer response – a detailed response will be provided as an update to Strategic Planning Committee following the receipt of comments from Highways DM.*

- Consideration should be given to combining the rural edging to the site with maintaining public footpaths (green connections) and the separation of vehicle and pedestrian access. This could be achieved by re-routing the footpaths to form part of an extended rural edge to the site especially between existing residential sites and the proposed 'Bank View' and 'Hillside Approach' residencies. It will have the additional benefit of keeping a separation between two distinct villages if the new development is considered to be in Jackson Bridge.
- No detail provided in relation to construction period.

*Officer response – A condition is recommended concerning a Construction Management Plan.*

- Access to the site especially mitigation of negative impact of using the ingress from Butt Lane on the residents of Hepworth Crescent, Kemps Way and Butt Lane
- The proposal to 'provide a replacement facility similar to the one that currently exists' does not reflect the 'niche' aspect of the current business and nor is the provision of a similar one factored into the Transport Assessment. The current business has a significant impact on traffic flows. It may be more realistic to develop the whole of the retained Mill building as residential in line with other re-use of Mills in the Valley from Jackson Bridge to New Mill.
- The proposals would represent a complete over-development of the village of Hepworth and would increase its size by around 25-30% (based on dwellings). Apart from the practicalities of this, detailed earlier in this letter, the development would completely change the character of the village much of which lies in a conservation area, with many listed buildings.
- The proposed development borders onto the Holy Trinity Church, which in itself is a listed building, a development of this size in and around its outlook is unsuitable.

- Part of the proposed development is in an area designated as a Wildlife Habitat Network - PDL16 (The North West section of the development) this also makes the proposal unsuitable.
- The 7-mile journey to Huddersfield already takes 40 minutes on a weekday morning due to congestion from Honley onwards. The small town of Holmfirth is already regularly gridlocked and Dunford Road into Holmfirth from Hepworth, Scholes and Hade Edge regularly has queues of 1 mile just to reach the centre of Holmfirth. In addition the junction in New Mill, which most of the traffic generated by this proposal would pass through, is also unsuitable. There are regularly 30 minute queues on both the Penistone Road into New Mill and the New Mill Road into New Mill (from Huddersfield).

*Officer response – a detailed response will be provided as an update to Strategic Planning Committee following the receipt of comments from Highways DM.*

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

Environment Agency – No objection subject to the development being carried out in accordance with the submitted Flood Risk Assessment and subject to:

- Surface water drainage being discharged directly into the Jackson Bridge Dike at 30% of existing discharge rate.
- Proposed new buildings to be located outside of flood zones 2 and 3.

Further conditions requested concerning a survey of Dean Dike and the implementation of a flood warning and evacuation plan.

Further advice provided concerning contamination.

Lead Local Flood Authority – Largely supports this application. However crucial further assessment needs to be included in application with regards to flood risk namely, existing topography and a discussion of overland flow routing within the Flood Risk Assessment should inform any proposed layout so exceedance flows and blockage scenarios utilise road networks and public open spaces and avoid the use of curtilage, i.e. demonstrate how risk is to be avoided.

Confirm that for an indicative layout, positioning of attenuation and flood routing can be conditioned. Individual properties can be put at risk if drainage is not considered at the same time as a layout design and curtilage is positioned in a low spot with consequences for a future owner. I am happy to condition the flood routing therefore with appropriate advice notes on flood routing taken from the summary.

K.C Highways – No objection in principle subject to S106 contribution towards New Mill junction and conditions. Additional comments to be reported in the update.

## 8.2 Non-statutory:

K.C Education – a contribution of £347,631 is required to address impacts on Hepworth Junior and Infant School and Holmfirth High School.

K.C Strategic Housing – No objection. National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when calculating any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace. This would mean a reduction of the amount of affordable housing contribution.

*Officer response – such details could be conditioned so that they are submitted along with the Reserved Matters when the quantum of development is fully understood.*

West Yorkshire Fire Service – No comments received.

West Yorkshire Archaeological Service – No comments received.

Arboricultural Officer – No objection. Comments expanded on in the main body of this report.

K.C Biodiversity Officer – The ecological information submitted appears to be based on a good standard of survey and is sufficient to inform the scheme design. However, the Preliminary Ecological Appraisal on its own is not sufficient to demonstrate that the scheme will include the mitigation and enhancement required. Mitigation and enhancement proposed is largely focused on the area of Kirklees Wildlife Habitat Network, which is appropriate. To demonstrate that this will be achieved an Ecological Impact Assessment (EclA) with specific detail will be required, or detail on the individual requirements could be provided prior to determination, or secured through conditions. These requirements are as follows.

- Landscape scheme with retails of planting to mitigate loss of KWHN (I would strongly recommend that this is not conditioned, as the detail is required to mitigate a specific identified impact).
- Landscape and Ecological Management Plan (LEMP) referencing the landscape scheme.
- Brief management plan/method statement for the eradication of invasive non-native species.
- Lighting Strategy with particular attention paid to avoiding impacts to KWHN, which has been demonstrated to be used by foraging/commuting bats.

Impacts to nesting birds must also be avoided through appropriate timing of works or pre-demolition survey and any necessary nest monitoring. A condition is suggested below for this purpose.

Yorkshire Water Services – No objection subject to a condition.

K.C Conservation and Design – I am broadly comfortable with them as long as the density is felt to be appropriate. I do feel that at the reserved matters stage the layout would benefit from a BFL 12 appraisal to ensure that the design keeps to urban design best principles. In terms of the demolition, these are mid 20th century buildings of little merit so I do not object to their removal

K.C Environmental Health – Overall we have no objection this development being granted planning permission subject to conditions regarding land contamination, air quality, extraction system (A3 use), hours of use/delivery of the B1 units and Construction/Demolition site hours. Careful design/layout of the commercial/residential uses in the 4 storey mill will be needed to avoid conflicting uses (particularly regarding noise). Ideally the A3 use should be on the ground floor with a “buffer floor” of B1 office use between the A3 and the C3 floors.

Coal Authority – Comments not required.

K.C Landscape – No objection. Comments incorporated into the design and layout section of this report.

Holme Valley Parish Council – Object.

- 1) Highways Issues – concerned that the two junctions on the A616 down to Jackson Bridge need improving.
- 2) Over intensification of the site (number of dwellings excessive).
- 3) Top field by the church should not be built on.

Support a mixed use development on part of the site which is brownfield only.

## **9.0 MAIN ISSUES**

Principle of Development  
Impact on Character of Surrounding Area and Landscape  
Highways and Traffic Implications  
Residential Amenity  
Flood Risk and Drainage  
Ecological Issues  
Heritage Issues  
Planning Obligations and Developer Contributions  
Other Matters  
Planning Balance

## **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 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”*.
- 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. Whilst the Council have submitted the Publication Draft Local Plan (PDLP) for examination which, for housing purposes, is predicated on the basis of a five year housing land supply; the Local Plan is currently going through the examination and has not 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.
- 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 Assessment of this application requires consideration of three different areas of planning policy. Part of the site lies in the Green Belt, this incorporating the former mill buildings, with the southern portion of the site comprising POL land. A small part of the site located in the south west corner comprises a Housing allocation.
- 10.9 In respect of the Green Belt allocation, the proposed development involves the partial demolition of the existing mill buildings and the subsequent erection of a number of dwellings (the plans indicate approximately 33 dwellings would be built on the Green Belt part of the site). The applicant has calculated that the volume of the proposed dwellings in the Green Belt would be significantly less than the existing mill building. This is on the basis that the existing mill building has a volume of *circa* 64,000 m<sup>3</sup> in comparison with the proposed dwellings and the retained four storey element which would comprise a volume of approximately 40,000m<sup>3</sup>. The submitted plans also demonstrate that the proposed dwellings would generally follow the footprint of the existing mill buildings and given that they are currently between four and five storeys in height, the impact on the Green Belt in this part of the site would be less than the existing buildings and would therefore, lead to an improvement.
- 10.10 The proposed access road, houses, and private gardens would be located on the areas currently occupied by existing buildings, structures and hardstandings. It is therefore, considered that the proposal would represent the redevelopment of a previously developed site. In addition, the proposal would not conflict with the purposes of including land in the Green Belt over and above the existing situation. It would also assist in encouraging the recycling of derelict land. Overall therefore, the development would comply with para 89 of the NPPF in that it would lead to the regeneration of an existing brownfield site. It is not an inappropriate form of development and therefore, there is no need to demonstrate very special circumstances in this case.
- 10.11 The southern portion of 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...*

The subtext to policy D5 clarifies the policy:

*... Urban open land sites assessed as having less quality than those designated as urban greenspace but nevertheless having identifiable value as open land are designated as provisional open land. These sites are also judged to be capable of development either now or when new infrastructure such as roads and sewers can be provided...*

- 10.12 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 and given full weight.

10.13 The proposed development on this part of the site is 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 especially given the parts of the site lies in a more elevated position than other parts of the site. Housing would alter the existing character of the site.

10.14 A small portion of the south western portion of the site is allocated as Housing on the UDP and therefore, the housing proposal is acceptable in this regard.

*Emerging Local Plan*

10.15 In respect of the emerging Local Plan, the Publication Draft Local Plan (PDLP) was submitted to the Secretary of State on 25th April 2017 for examination in public. The Examination in Public commenced in October 2017. The whole site forms a Mixed (Residential and Employment) allocation in the PDLP (ref – MX1912a) and this carries considerable weight. Therefore, the emerging Local Plan is fully supportive of the principle of development as proposed.

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

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

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

10.17 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

10.18 The PDLP includes the application site as a mixed use allocation and is therefore, a site which the Council consider appropriate for housing. The site is allocated as POL, Green Belt and Housing Allocation on the UDP.

10.19 Despite the advanced stage of the PDLP, 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.

10.20 In summary, the proposals are considered acceptable in principle in Green Belt terms as the proposal comprises the redevelopment of a brownfield site which does not have an additional impact on openness, nor does it conflict with the purposes of including land in the Green Belt. In terms of housing development on POL, the fact that the Council are unable to demonstrate a 5 year housing land supply and the weighted presumption in favour of sustainable development means that housing development is potentially acceptable in principle and potentially outweighs the loss of POL. The proposed housing situated on the housing allocation is also acceptable in principle.

#### *Sequential Test*

10.21 The main town centre use elements of the proposal are for a office (B1a) or light industrial potentially up to 650m<sup>2</sup> floorspace in total. The proposal is in an out of centre location, approx. 2.3km south east of Holmfirth Town Centre and 1.5km south of New Mill local centre (as the crow flies). There is no local centre designated at Hepworth in the Local Plan.

10.22 The applicant has undertaken a sequential test considering Holmfirth Town Centre which is the largest centre within the catchment area in line with its role and function as set out in Part A of policy PLP 13. There are not considered to be any sites that could accommodate the proposal that are not covered by the sequential assessment. The applicant has demonstrated why sites in-centre/edge of centre and out of centre sites within the urban area are not suitable.

10.23 PDLP policy PLP13 refers to impact assessment and that an impact assessment will be necessary for proposals which include retail, leisure and office developments which are not located within a defined centre where the proposal provides a floorspace greater than 500m<sup>2</sup> gross. The sequential assessment highlights that for the proposed office use, there have been some office uses within the Dobroyd Mills complex until recently. Overall, it is considered that the proposal would not have a significant adverse impact on surrounding centres.

#### *Loss of Employment*

10.24 The current owners of the site (Z Hinchliffe and Sons Ltd) established their company 250 years ago and moved to their present site at Hartcliffe Mills. The company supplies lamb's wool, Cashmere, Camel and Angora products to UK and worldwide knitwear markets. There are further smaller premises at Birds Edge. The current site was acquired by the applicant as a pre-requirement for a contract with a national retailer 20 years ago. The contract proved unviable and the site was rendered surplus to the company operations.

- 10.25 The applicant states that the location and characteristics of the site have proved challenging for a number of reasons:
- It is remote from good logistical connections.
  - The large differences in levels and the sloping nature of the site make operations difficult and more uneconomic.
  - A number of the buildings are redundant, multi-storey buildings, which are highly inefficient for modern manufacturing processes.
- 10.26 Whilst there is re-occupation by small local businesses, these lettings do not generate the income necessary to meet the annual outgoings or maintenance of the buildings and infrastructure. According to the applicant the site generates annual losses for Z Hinchliffe & Sons.
- 10.27 The applicant states that the disposal of this site would be reinvested in the core business at Denby Dale and Birds Edge.
- 10.28 Policy B4 of the UDP requires that regard be had to the effect of any development proposal on the employment potential of an existing site. This site has not attracted any significant business re-use over the UDP plan period which is almost at an end, and for many years before that following the closure of Dobroyd Mills in 1974. It is considered that the uneconomic nature and location of Dobroyd Mills has contributed to its continued decline.
- 10.29 The loss of existing employment uses within the site would be offset to some extent by the proposed conversion of one of the existing buildings to B1 (a) or (c) uses which would generate up to 15 equivalent full time jobs. As already stated, the proposed mixed use nature of the development proposals is consistent with policies in the PDLP.

#### *Accessibility*

- 10.30 The site lies on the edge of Hepworth and Jackson Bridge settlements but within close proximity of existing housing stock. There are bus stops within walking distance of the site along Butt Lane and Hepworth Road which provide services to the village centre and Huddersfield/Holmfirth. Services run approximately every 30 minutes during the week.
- 10.31 Services within Hepworth village and Jackson Bridge are limited to social/public house. The nearest primary and secondary schools are within 3.2km of the site.
- 10.32 The applicant has undertaken a qualitative of pedestrian routes within proximity of the site. Utilising existing data from the Census, the applicant considers that the site would generate approximately 14 pedestrian movements during peak hours.
- 10.33 The carriageway widths are such that there is no real scope to widen any of the footways without compromising the safe movement of large vehicles. However, linkages to adjacent bus stops are considered to be good with footways of reasonable width and capacity with dropped kerbing being provided in all cases.

- 10.34 There is a public footpath which runs through the site from Hepworth Road to the upper part of the settlement. There is also an existing footpath access from Butt Lane into the site. Consequently, these footpaths could be incorporated into the scheme as part of the subsequent Reserved Matters.
- 10.35 Overall it is considered that whilst there are limitations in terms of the existing road network, typical of many upland settlements in Kirklees, the site is reasonably well positioned to local sustainable transport options and is not isolated and inaccessible.

#### Impact on Character of Surrounding Area and Landscape

- 10.36 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.
- 10.37 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.
- 10.38 The application site is split between open land and existing mill buildings. Approximately 50% of the site is undeveloped, part of the land having been backfilled from the use of the site as a mill. Existing housing is mostly located beyond the western boundary and comprises a mix of pre-war, post-war and newer housing stock.
- 10.39 Owing to levels across the site, the existing building which is to be retained would be well screened by intervening levels and any views would largely be against the backdrop of the existing site, trees and landscape. The proposed housing would also be well screened from the lower slopes of Hepworth close to the site entrance. The proposed housing on a large part of the existing mill site would have limited visibility.
- 10.40 Most of the obtainable views of the site would be from mid-distance with some close-up views from the nearest streets at the rear of the POL allocation. The applicant has submitted a Landscape and Visual Impact Assessment and this demonstrates that impact of the development overall is limited. The most notable views of the site are from the opposing valley sides which face the application site and from the higher slopes which look down towards the site. For example, there would be intermittent views of the proposed housing when viewed from Tenter Hill and the surrounding rural lanes which lie approximately 400m to the north east. There would be views of the site from Dean Bridge Lane on the edge of Scholes. However, any views of the site would be visible against the backdrop of existing development/fields and there are prominent views of the proposed development as a skyline feature is very limited.

- 10.41 The proposed development is positioned adjacent to the established edge of the existing settlement and to that extent the development would protrude into open countryside, but it would also be visible against the edge of the existing village. The immediate surroundings are notably upland and rural set within a larger area of rolling countryside. The site lies over 3km from the Peak District National Park boundary.
- 10.42 It is clear that for users of the footpaths which run through the site that the development would be unavoidable and would diminish the experience of users of the lane to some extent due to close the proximity of the proposed development relative to the road. However, there is scope within any subsequent reserved matters submission to ensure that the experience of users of the footpaths is not unacceptably harmful.
- 10.43 The site would be altered from an expanse of countryside; albeit a parcel of land sandwiched in between existing dwellings and an existing mill complex to a site with a residential character. There is no significant impact on openness of the Green Belt. In terms of the impact on the POL land; views would generally be limited due to intervening topography, trees and vegetation. Where views of the site are obtainable, the development would assimilate with the existing urban form and not be a prominent skyline feature. There would be no overriding landscape harm arising as a result of the proposal and the intrinsic character of the wider countryside in this location would not be significantly harmed. The application is considered to comply with policies BE1 and BE2 of the UDP and policy PLP24 of the PDLP.

#### Highways and Traffic Implications

- 10.44 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.*

- 10.45 The application has been accompanied by a Transport Assessment carried out by Via Solution and has been reviewed by Highways DM. This includes an assessment of the impact on New Mill junction and the surrounding highway network.
- 10.46 The applicant has considered the proposed development in terms of its impacts compared to the existing uses on the site. In terms of current employment generation, the existing site operations include approximately 25 staff vehicles on the whole site. There are also uses on the site which attract customers from offsite – during the middle of the day and weekends, these

can amount to 70 to 80 vehicles but at weekday network peak times this reduces to about 5 vehicles. Thus, the potential trips from the site at network peak times can amount to around 30 vehicles per hour.

- 10.47 In terms of the current proposals; the applicant states that the potential to generate 89 and 88 movements in the AM and PM peaks respectively. This would result in a net increase on to local highway network of about 58 vehicle movements. When this traffic is distributed on to the highway network then the predicted net increase in traffic at the A616 New Mill junction is forecast to be 39 vehicular movements with a developer contribution of *circa* £34,000 that is required towards improvements at New Mill junction (the junction of Sheffield Road, Huddersfield Road, Holmfirth Road, Penistone Road).
- 10.48 A qualitative pedestrian assessment within the vicinity of the site has been undertaken by the applicant's highways consultant and is being reviewed by Highways DM and will be reported in the update. The compatibility of the use classes proposed and waste collection is currently being reviewed.
- 10.49 The details of the proposed parking arrangement associated with the change of use of the existing building and internal turning arrangements is currently being assessed and will be reported to Strategic Planning Committee as an update.
- 10.50 In terms of the proposed change of use; the applicant has provided details of parking provision which is consistent with the parking standards set out in the UDP.

#### Residential Amenity

- 10.51 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.
- 10.52 Policy BE12 of the UDP provides guidance on appropriate separation distances for dwellings. PLP24 of the PDLP requires developments to provide a high standard of amenity for future and neighbouring occupiers.
- 10.53 In terms of the change of use of the existing building, Environmental Health have advised that they would recommend that the noisiest potential use (B1c) should at ground floor, and ideally the next floor could be B1a (Offices) to serve as a buffer between the B1c and C3 uses (2<sup>nd</sup>, 3<sup>rd</sup> floors). The current proposal includes the potential for B1a and B1c at first floor level but a condition could be imposed limiting this to B1c (office) use only in order to ensure the impact on future occupiers of the mill building is limited.
- 10.54 With regards the proposed residential development (outline); a number of properties are potentially located within close proximity of properties on Kemps Way and Hepworth Crescent. As this element of the scheme has been submitted in outline form, the design and layout of the scheme has yet to be determined. However, it is considered that there is sufficient room



within the scheme in order to ensure that the development meets spacing standards in order to ensure no unacceptable impact on the nearest residential properties. The application is considered to comply with policy BE12 of the UDP and PLP24 of the PDLP.

### Flood Risk and Drainage

- 10.55 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 housing proposed lies in Flood Zone 1 (lowest risk of flooding from rivers or the sea), a sequential test is not required in this case.
- 10.56 The submitted Flood Risk Assessment (FRA) considers the risk of flooding from various sources including rivers, groundwater, artificial sources and surface water.
- 10.57 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
- 10.58 Flooding from rivers and watercourses on the site is very low with a high risk for a relatively small area (flood zones 2 and 3) on the north eastern and north western boundaries. There are no objections to the proposed development from the Environment Agency providing that development in the high risk zones is avoided.
- 10.59 The surface water drainage for the outline element of the scheme would be carried out in accordance with the surface water discharge hierarchy. At this stage the applicant considers that a restricted discharge to watercourses would be the most feasible option for the site with attenuation within the site.
- 10.60 Foul water would be discharged into the existing sewers in Hepworth Road; subject to further investigation and a planning condition.
- 10.61 Subject to the imposition of appropriate conditions there are no objections to the drainage proposals.

### Ecological Issues

- 10.62 UDP policy EP11 requires that application incorporates landscaping which protects/enhances the ecology of the site. Emerging Local Plan policy PLP30 states that the Council will seek to protect and enhance the biodiversity and geodiversity of Kirklees, including the range of international, national and locally designated wildlife and geological sites, habitats and species of principal importance and the Kirklees Wildlife Habitat Network.

10.63 Dean Dike and associated woodland within the Site boundary to the west provide areas of higher value habitat, which is included within the Kirklees Wildlife Habitat Network. A small spur of this woodland and allocation extends into the site and may be lost to make way for the development; depending on the final details submitted.

10.64 The applicant has submitted an ecological appraisal which is considered to sufficiently address the potential for the scheme to impact on biodiversity interests. A further bat survey was submitted mainly concerning the existing mill building. The Council's biodiversity officer is generally satisfied with the proposals subject to the following conditions:

- Landscape scheme with details of planting to mitigate loss of KWHN
- Landscape and Ecological Management Plan (LEMP) referencing the landscape scheme.
- Brief management plan/method statement for the eradication of invasive non-native species.
- Lighting Strategy with particular attention paid to avoiding impacts to KWHN, which has been demonstrated to be used by foraging/commuting bats.

10.65 There are a number of areas of protected trees within the application site. There is a large area of protected woodland surrounding the pond to the north and to the proposed development would largely avoid these trees. In terms of the impact on TPO'd trees within the site; there are no objections from the tree officer subject to the reserved matters providing a further arboricultural assessment. In addition the tree officer requests enhancement of the woodland as amenity spaces, which will also help mitigate the impact of the proposed development. The woodland TPO surrounding the pond should also be subject to a woodland management strategy.

10.66 Overall and subject to conditions the application is considered to represent an acceptable development from a biodiversity perspective, compliant with condition EP11 of the UDP and the NPPF.

#### Heritage Issues

10.67 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.

10.66 In close proximity to the west boundary of the application site lies the Grade II listed Church of the Holy Trinity. Built in 1863, it is of Gothic revival style with hammer dressed stone and ashlar dressings. The north boundary of the Church is also the Conservation Area boundary of Hepworth. The outline element of the scheme would potentially impact on the setting of the Church; albeit that the full impact would be realised as part of the reserved matters.

10.68 The indicative layout details an area of POS within the western portion of the site and close to the existing church and Conservation Area. However, it is more than likely that the proposed development would result in some impact on the setting of these heritage assets; albeit that the impact is considered to be less than substantial. In accordance with para 134 of the NPPF; the public benefits of the proposal would be weighed against the less than substantial harm.

#### Planning Obligations and Developer Contributions

10.69 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.

#### *Education Provision*

10.70 Para72 of the NPPF states that great weight should be given to the need to create, expand or alters schools. In line with the requirements for 'Providing for Education Needs Generated by New Housing' (KMC Policy Guidance), the proposed development attracts a contribution towards additional school places. In order to address the additional pressure on local schools, the Council Education section requires the following contribution:

Total of £347,634 comprising £182,742 to Hepworth Junior and Infant School and £164,889 to Holmfirth High School.

#### *Public Open Space*

10.71 Policy H18 of the UDP requires 30sqm of Public Open Space per dwelling on development sites in excess of 0.4 hectares. This would be detailed as part of the reserved matters submissions. There is sufficient space within the site, and the context of the site lends itself, to providing POS within the site boundary.

#### *Affordable Housing*

10.72 The Council's Interim Affordable Housing Policy requires that 20% of units are secured as affordable housing. A condition is recommended requiring details to be submitted with the Reserved Matters.

#### *Local Transport Infrastructure Mitigation and Improvements*

10.73 A developer of approximately £34,000 is required towards New Mill junction improvements.

#### Other Matters

10.74 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.

10.75 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 Planning Balance**

- 11.1 The application site lies adjacent to the Hepworth village boundary on an area of land allocated as Provisional Open Land, Housing Allocation and Green Belt on the UDP. The demolition of part of the existing mill buildings, the conversion of the existing mill building and the subsequent development of the site for housing is considered to comply with Green Belt policy as the impact on openness would be less than existing and is therefore compliant with the criteria set out in para 89 of the NPPF. In terms of the impact on the POL allocation; it is inevitable that development on any greenfield site would mean a loss of landscape quality because there would be buildings in place of open land. The impact on local views such as the footpaths which run through and close to the site would be unavoidable. However, longer distance views of the site are limited and subject to reserved matters, a scheme could be designed so as to reduce the impact on the POL allocation as far as practicable.
- 11.2 Set against this harm, the Council are unable to demonstrate a five year housing land supply and the NPPF seeks to boost significantly the provision of housing. In the emerging Local Plan the entire site is one which is considered by the Council as suitable for mixed uses, including housing thus the proposals are consistent with the direction of travel in terms of the potential future site allocation. The scheme represents the comprehensive development of a site which has suffered from neglect and economic inactivity over the years.
- 11.3 There would be no unacceptable harm in relation to highway safety, drainage/flood risk, living conditions and ecology, subject to the conditions proposed. Infrastructure provision would be dealt with by a S106 Agreement that would include improvements at New Mill junction. The scheme is fully compliant with policy requirements.
- 11.4 Whilst there is potential impact on heritage assets in this case; the impact is considered to be less than substantial and outweighed by the public benefits including the partial redevelopment of a previously developed site for a mix of uses including needed housing. The reserved matters would allow the scheme to come forward in a manner considerate to the heritage constraints.
- 11.5 In conclusion, conflict with UDP policy D5 and other impacts identified are outweighed by other considerations and overall the proposal constitutes a sustainable form of development.
- 11.6 As this is a hybrid application it constitutes two applications (outline for proposed housing and full application for the change of use of the building). Consequently, two separate lists of conditions are proposed.

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

### Outline

1. 3 years
2. Approved plans
3. Reserved Matters
4. Finished Floor Levels
5. Boundary Treatments and details of materials
6. Foul, surface and land drainage details to be submitted and agreed
7. Overland flood routing details to be submitted and agreed
8. Temporary flood routing details to be submitted and agreed
9. Construction Method Statement
10. Remove PD rights for outbuildings and rear extensions to properties
11. Habitat enhancement
12. Landscaping details to be provided and to be implemented and replaced if any trees die within 5 years.
13. Crime prevention
14. Electric charging points
15. Parking spaces prior to occupation
16. Lighting Strategy
17. Ecological Enhancement Strategy
18. Demolition method

### Full application

1. 3 years
2. Approved plans
3. Demolition Method
4. Parking areas to be provided prior to occupation.
5. Details of uses at ground floor levels to be submitted and agreed.
6. Details of affordable housing to be provided in accordance with the outline application and pursuant to the reserved matters
7. Landscaping details to be provided and to be implemented and replaced if any trees die within 5 years.
8. Crime prevention
9. Electric charging points
10. Lighting Strategy
11. Ecological Enhancement Strategy
12. Opening/operating hours to be agreed

### **Background Papers:**

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## Report of the Head of Strategic Investment

### STRATEGIC PLANNING COMMITTEE

Date: 11-Jan-2018

**Subject: Planning Application 2017/93053 Reserved matters application pursuant to outline permission 2014/93248 for erection of residential development (48 dwellings) Land off, Stoney Bank Lane, Thongsbridge, Holmfirth**

#### APPLICANT

C Peatfield, Redrow  
Homes Ltd

#### DATE VALID

04-Sep-2017

#### TARGET DATE

04-Dec-2017

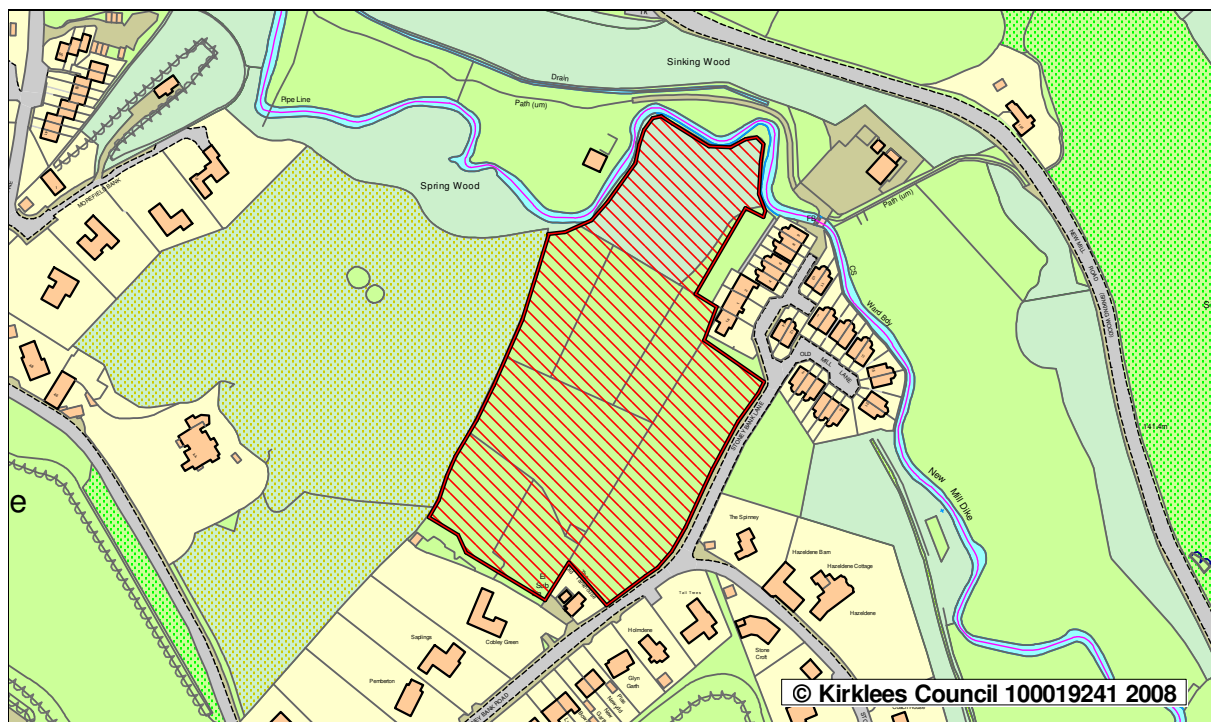
#### EXTENSION EXPIRY DATE

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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: Holme Valley South**

Yes

Ward Members consulted

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***RECOMMENDATION:***

DELEGATE approval of this application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report and to secure a Section 106 agreement that could include the following contributions (subject to viability-details that will be included within a confidential paper).

Public Open Space contribution and future maintenance  
Affordable Housing

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

**1.0 INTRODUCTION:**

- 1.1 This application is intrinsically linked to planning application 2017/93609 (erection of 4 dwellings) as both schemes form part of the same comprehensive scheme for the site.
- 1.2 Outline planning permission was granted in 2014 for residential development which included details of access located approximately half way down Stoney Bank Lane (2014/93248). The reserved matters application (2017/93053) was submitted and included land which fell just outside the red-line boundary of the outline planning permission; this particularly affected the rear garden of 4no plots located in the south west corner of the site. Consequently, the applicant revised the red-line boundary of the reserved matters (2017/93053) in order to ensure it was consistent with the outline planning consent. A separate, full planning application was submitted for the 4no dwellings in the south western corner of the site (2017/93609).
- 1.3 Whilst the two planning applications are separate, to all intents and purposes they form the same scheme. However, as planning application 2017/93248 is a full separate planning application it is assessed under a separate report which is also on this committee agenda.



- 1.4 The application is presented to Strategic Planning Committee at the request of Councillor Patrick on the basis of the materials proposed and the density of development.
- 1.5 Outline planning permission was granted in 2014 for residential development which included details of access located approximately half way down Stoney Bank Lane. The current application is intended to deal with the outstanding 'Reserved Matters' – appearance, landscaping, layout and scale.
- 1.6 The following matters were secured by the S106 Agreement as part of the outline consent:
- *A sum of £50,000 towards traffic calming on Springwood Road, Thongsbridge.*
  - *A sum of £24,750 towards the cost of New Mill junction improvements.*
  - *A sum of £15,716.80 towards the provision of metrocards (based on 52 units).*

Conditions 5, 6 and 7 of this outline planning permission required arrangements for the provision of public open space, affordable housing, and education respectively to be submitted to and approved in writing with the local planning authority before development commenced on site. These matters are to be agreed through a 'discharge of condition' process rather than the approval of reserved matters, which has already been submitted (2017/94225). A summary will be provided to Strategic Planning Committee within the committee update setting out the viability position of the scheme and how this affects the proposed materials and S106 requirements. This is because at the time of writing the council's independent assessors had not concluded its advice. Some details are considered to be commercially sensitive information and therefore these will be included within a private appendix that is exempt from public view.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site comprises an elongated parcel of sloping land. As the crow flies the site lies 1.5km to the north of Holmfirth and 1.3km to the west of New Mill. The site is bounded on the east by Stoney Bank Lane which connects to Stoney Bank Road. At the bottom of Stoney Bank Lane and to the north of the site the road forks into two cul-de-sacs which are surrounded by approximately 20 dwellings.
- 2.2 The site occupies an area of approximately 2.4 hectares and is currently in pastoral use. The site generally slopes from south west to north east. At the top of the slope and immediately adjacent to the site lies the Old Tankhouse (dwelling) which is accessed off Stoney Bank Road. Cobley Green (dwelling), also accessed off Stoney Bank Road, bounds the south western boundary of the site. The rear gardens associated with dwellings off Old Mill Lane adjoin the eastern boundary. There are further dwellings off Stoney Bank Road opposite the application site.
- 2.3 Within the north eastern portion of the site boundary the land is occupied by a woodland area. Beyond this and bounding the site lies New Mill Dyke. There are a number of protected trees just beyond the north western boundary of the site which provide significant screening of the site when viewed from the west.

2.4 The site is fronted by a dry stone wall and fields within the site are divided by dilapidated dry stone walls and fencing. There are a small number of trees within the site, most notably three Sycamores located adjacent to Stoney Bank Road.

2.5 Stoney Bank Lane also comprises a Public Right of Way (PROW).

### **3.0 PROPOSAL:**

3.1 The application comprises a reserved matters submission comprising the erection of 48 dwellings in total. The following mix is proposed:

- 33no. 4 bedroom houses
- 11no. 3 bedroom houses
- 4no. 2 bedroom houses

3.2 Car parking is proposed within curtilage comprising both driveway and garage parking.

3.3 The scheme has been designed with a main internal spine road and a single point of access off Stoney Bank Lane. The properties fronting Stoney Bank Lane would be accessed via private driveways off the Lane. There would be a separate access off Stoney Bank Road comprising a shared driveway serving 3 properties.

3.4 The existing dry stone wall fronting Stoney Bank Lane would be reinstated where it fronts the application site and would wrap around the proposed access.

3.5 Within the north eastern portion of the site is an area of woodland which would be retained. The woodland would be thinned and managed and a pathway created within the woodland in order to create an area of public open space.

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

4.1 2014/93248 – Outline application for residential development – approved subject to conditions and S106 Agreement on 10<sup>th</sup> November 2014.

2017/93609 - Erection of 4 dwellings and change of use of land as domestic garden area and areas of public open space

2017/94225 –Discharge of conditions 1-25 on Outline Consent 2014/93248 received on 12/12/17.

### **5.0 HISTORY OF NEGOTIATIONS**

5.1 The application has undergone extensive pre-application and amendments have also been sought during the course of the planning application. The scheme has been amended as follows:

- Alterations to the layout and repositioning of plots/garages closest to the property at the southern end of the site.
- Natural stone and slate introduced to all properties fronting Stoney Bank Lane.

- Alterations to some of the house types to architectural elements consistent with the locality.
- Amendments to landscaping proposal.

## **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 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 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.

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

D5 - Provisional Open Land  
 H1 - Housing Need  
 H10/12 - Affordable Housing  
 H18 - Provision of Open Space  
 BE1/2 - Design and the Built Environment  
 BE11 - Building Materials – Natural Stone in Rural Area  
 BE12 - New dwellings providing privacy and open space  
 BE23 - Crime Prevention Measures  
 EP10 - Energy Efficiency  
 EP11 - Landscaping  
 T1 - Sustainable Transport Strategy  
 T10 - Highways Safety / Environmental Problems  
 T16 - Pedestrian Routes  
 T19 - Off Street Parking  
 G6 - Contaminated Land  
 NE9 - Trees

### 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

## 6.2 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)
  
- 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 as a Major Development and a Departure from the Development Plan. Amended plans have also been re-advertised. A total of 15 objections have been received, summarised as follows. These comments are addressed in the remainder of this report unless otherwise stated:

- Many cars on Stoney Bank Lane already and additional impact from development.
- Too much traffic in the local area already especially New Mill crossroads.

*Officer response: This application concerns reserved matters. Principle matters concerning traffic generation were assessed as part of the outline application (2014/93248) and members resolved to grant planning permission subject to conditions.*

- Impact of construction traffic due to mud and impact on safety of school children.

*Officer response: This application concerns reserved matters. Condition no 25 of the outline planning permission (2014/93248) requires a scheme for construction traffic and management.*

- *Objection from Old Tank House* - The gable end of plot 13 being 3 storey would tower above the house and garden of the Old Tank House. This house will completely overshadow the garden and in particular the patio of the Old Tank House. The patio area of the Old Tank House would be overshadowed. A proposal to obtain a small area of land at the top end of plot 13 so that an alternative patio can be created has been rejected by Redrow Homes on the grounds that Kirklees Council has stipulated the size of garden Plot 13 has to have. Could this be looked into please so that under consideration of the 'neighbours' amenity', a compromise may be made.
- A tank will be used to store the runoff water when it rains and then gradually feed this into New Mill Dyke. Does the tank size take into account the amount of water which runs into the current field from the current properties in the Stoney Bank Road and Springwood Road area? The water from these areas, which the field currently absorbs, will have to go somewhere. It is conceivable, therefore, that the tank will not be able to cope with the sheer volume of water. This would pose a serious flood risk to the current properties in Old Mill Lane and Stoney Bank Lane, especially those living at the bottom of the lane. Once a property has been flooded, home owners have to declare this to their insurance companies as well as potential buyers when selling their home.

*Officer response: There are a suite of planning conditions attached to the outline planning permission requiring the submission of drainage details. Any scheme in terms of the tanking of surface water run-off will be designed to accommodate storms up to and including 1 in 100 year + 30% allowance for climate change.*

- The proposed Highways within the boundaries of the proposed scheme is also considered unsuitable, primarily due to steep gradients which contravenes the Highways Guidance notes on Gradients. The main carriageway within the development is parallel to Stoney Bank Lane and therefore is the same gradient i.e. approximately 1 in 7 or 13%. The proposed highway should generally travel across perpendicular to the gradient to minimise the steepness in line with the guidance notes. It is not unreasonable that 'shallower' more safer gradients can still be achieved on this scheme which may travel 'more' across the gradient rather than perpendicular to it.

*Officer response: Highways DM have been consulted. They raise no issues with the levels providing that the main road running through the site includes adequate footway provision for pedestrians. Consequently, the scheme has been amended in order to accommodate this requirement.*

- Types of housing could be improved which would improve the scale and density.
- The proposed heights of the ridge lines would exceed that our neighbouring properties and would overpower them. As discussed the ridge height information noted on the drawings appears incorrect or missing which you mentioned that KMC would address, especially considering the 'Old Tankhouse' and 'Cobley Green' properties.

*Officer response: The applicant has clarified the levels and amended cross-sections have been submitted to demonstrate the proposed levels and impact on the amenity of the area.*

- There has already been a recently completed major housing scheme the same housing types just around the corner less than a third of a mile away.

*Officer response: This is a reserved matters application. The principle of development on this site has already been established by virtue of planning permission 2014/93248.*

- A public bridleway through the scheme would improve density including more green space and more trees within the development and keeping with the natural environment which already exists.

*Officer response: There is no requirement for a bridleway. Pedestrian links have been considered. The site is steeply sloping and therefore, incorporating appropriate bridleway links would prove challenging. The scheme proposes a large area of POS at the bottom of the slope within the area of the existing woodland.*

- The proposed artificial materials are cheap and inappropriate for the surrounding area. Nearly all local properties have natural stone walling with a combination of slate and tiled roofs. A mock Tudor type house was proposed at the public consultation event but unsure whether this still applies to this application which we consider to be inappropriate.
- A drainage strategy should be submitted on the basis that there is an existing watercourse in the immediate vicinity of the site and whether capacity for the surface but primarily the foul is adequate to accommodate the proposed scale of the development. High rainfall on Stoney Bank Road drainage already cannot accommodate the amount and velocity of rainfall which subsequently results in the rainwater travelling down Stoney Bank Road onto Stoney Lane.
- The site was designated as Provisional Open Land on the Local Development Plan, is a Wild Life Corridor and has a Public Right of Way. The current productive use of the land as grazing pasture for the raising of sheep is the perfect protection for the Local Plan's designations.

*Officer response: This is a reserved matters application. The principle of development on this site has already been established by virtue of planning permission 2014/93248.*

- The surrounding existing properties are in general built of natural local stone and this should be a requirement of the proposed scheme. The proposed house types (3/4 bed) have already been over supplied to the area given the number recent scheme approvals and completions.

*Officer response: This is a reserved matters application. The principle of development on this site has already been established by virtue of planning permission 2014/93248.*

- *Objection from Cobley Green* - The indicative layout plan submitted with the Outline planning application (2014/93248) showed 3 dwellings along the southern boundary of the site, the boundary shared with Cobley Green. Proposed dwellings along this boundary have all been designed to be 3 storeys in height. Although the levels drop down away from Cobley Green, the rear windows in the proposed dwellings along this boundary (particularly plots 18-21), have the potential to overlook the outside amenity space of Cobley Green. As such, the amount of privacy currently enjoyed by the occupier of Cobley Green would be severely reduced. Dwellings along this boundary would lead to an increase in noise levels and general disturbance in this part of the site due to the higher numbers of people living in and visiting these properties.
- A less dense layout with fewer properties would be more in keeping with the character and appearance of the area. Two storey properties would also be preferable as this would reduce the overall scale and massing of the development, and again would help to retain the local distinctiveness of this area.
- The covenant expressly explains that vans are not allowed to be parked overnight outside of someone's property along Old Mill Lane. Will the development have similar covenants? If so where are people who have a works van going to park them?
- When the development is completed where are the development guests going to park?

*Officer response: Parking has been assessed by Highways DM. No objections are raised and the proposal complies with the Council's parking standards.*

- Where is the third car from the properties within the development going to park?
- Are there going to be any covenants put on the land, for example not being able to use a property for business use? The traffic will increase even more if people are allowed to run businesses, such as childminding, from their properties.

*Officer response: This is a reserved matters application. The principle of development on this site has already been established by virtue of planning permission 2014/93248.*

- During the building of the development how is it proposed that the lorries, HGV's, equipment and plant are going to access the site?
- Is the proposal that they enter the site via Stoney Bank Lane? If so how are they going to fit down the road as the road is used by the residents and guest of Old Mill Lane and Stoney Bank Lane?
- The lorries and HGV's entering the site during the building phase of the development, are they going to be banned from attempting to access the site from Kirk Bridge Lane?

*Officer response: This application concerns reserved matters. Condition no 25 of the outline planning permission (2014/93248) requires a scheme for construction traffic and management.*

- Are there any plans to widen and improve Kirk Bridge Lane and Stoney Bank Lane to cope with the additional traffic?
- Are there any plans to improve the junction of Kirk Bridge Lane and the A616?

*Officer response: This is a reserved matters application. The principle of development on this site has already been established by virtue of planning permission 2014/93248 where highways issues were fully considered. The 'Planning Obligations and Developer Contributions' section of this report outlines the S106 contributions including those relating to highways impacts.*

- How will the residents of the new development exit the estate?
- Is there a plan to widen Stoney Bank Lane in order to cope with this massive increase in traffic?
- Are any provisions going to be put in place for the developer or the council to cover the cost of current home owners insurance when their property has been flooded due to the new development?

*Officer response: This is not a material planning consideration.*

- Will any provisions be put in place to cover the reduction in property value which will result from a flooding incident (which then has to be declared to potential buyers) when the resident of Old Mill Lane and Stoney Bank Lane would like to sell their property?

*Officer response: This is not a material planning consideration.*

- What is the compensation for residents for the disruption to their quality of life due to the air, noise and traffic impacts on them due to the building of this development?

*Officer response: This is a reserved matters application. The principle of development on this site has already been established by virtue of planning permission 2014/93248 which addressed the potential for these impacts. The current reserved matters is considered acceptable in relation to the proximity of proposed dwellings to existing properties.*

- Does the proposed development plan to fell the trees at the back of the field?

*Officer response: There is no proposal to fell any of the existing TPO'd trees which lie to the rear of the site.*

- Why has no one looked at what planning applications have been submitted for the same very local area? Why has no one flagged that there is a potential issue as there are two other planning application in?



- What will the hours of work be for the building of the development? Are there any plans to carry out building work at weekends when current residents will be home?

Councillor Patrick raises the following objection:

- Cheap building materials. The site is highly visible from Brockholes/New Mill Road.

Councillor Sims raises the following objection:

- The agreement was for natural stone and this should be enforced.

Holme Valley Parish Council – Object to both applications for the same reasons. Highways and access issues, over-intensification and this is a greenfield site. Members are concerned at the narrow access road to be used by large amounts of traffic and safety of children in particular, using the access to reach the High School. Primary schools not easily accessible from this location and there are poor or non-existent footways, which would make it dangerous for children to walk to and from school.

*Officer response: This is a reserved matters application. The principle of development on this site has already been established by virtue of planning permission 2014/93248.*

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

Environment Agency – No objection providing no development in flood zones 2 and 3.

K.C Strategic Drainage - No objection subject to conditions.

K.C Highways – No objection subject to conditions.

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

K.C Education – No objection. A contribution of £220,962 is required.

Police Architectural Liaison Officer – No objection but comment as follows: Rear garden boundaries, which need to offer sufficient protection against intrusion, where applicable, from adjacent open land. Side boundaries dividing house plots from each other, which need to be tall and substantial enough to provide both privacy and security. For example, closed boarded timber fencing should be provided to a minimum 1.5m in height, and include privacy screen (a section of higher fencing) of 1.8m in height projecting out from the building for about 2m, to provide a private amenity area adjacent to the home.

K.C Biodiversity Officer – No objection following the submission of amended plans.

Tree Officer - No objection to the proposal, although we do need to see an arboricultural method statement for the site to show how this development will be constructed while avoiding direct damage to the trees during the building phase. In addition we need to see a condition that requires further details about the exact level of tree removal which will be required to implement the new path and storm sewer. Along with a condition for a long term woodland management plan for the POS.

Yorkshire Water Services – No objection.

K.C Conservation and Design – Overall I am comfortable with the proposal and follows the advice at pre-app. I could raise an issue that the buildings do not turn the corners well, the insertion of one window hardly does this, but on balance this is a minor comment and not one that should be used for further amendments.

K.C Environmental Health – No objection.

K.C Landscape – Provision of POS within woodland incorporating accessible footpath etc. (DDA where possible) meets the requirements for POS provision of 30sq.m. per dwelling. For this number of dwellings, the POS provision should incorporate a LEAP which should include its own commuted sum. The existing woodland POS is not a suitable location for play provision so we would anticipate an off-site contribution in lieu of this being on site, this is in the region of £102,374.07.

## **9.0 MAIN ISSUES**

Principle of Development  
Impact on Character of Surrounding Area and Landscape  
Residential Amenity  
Highways and Traffic Implications  
Flood Risk and Drainage  
Ecological Issues  
Heritage Issues  
Planning Obligations and Developer Contributions  
Other Matters  
Conclusion

## **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 principle of development on this site has been established. In 2014 planning permission (2014/93248) was granted for residential development. At that time the number of dwellings was not set. However, the planning permission established that this site was acceptable for the provision of housing and this application seeks content for the matters reserved by that outline consent.

#### Impact on Character of Surrounding Area and Landscape

- 10.3 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.
- 10.4 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.
- 10.5 The scheme has been designed with a central access point and main spine road which cuts across the existing field. Towards the rear of the site the proposed road runs north east to south west, parallel to Stoney Bank Lane. Larger detached properties are located at the entrance to the site and along the eastern boundary fronting Stoney Bank Lane. Most of the properties within the site are detached, with the exception of properties within the south western portion and a small cluster of properties to the north east.
- 10.6 The scheme predominantly comprises two storey dwellings across the site. Properties within the south western portion are a mix of three storey and split level units.
- 10.7 The design of individual properties has been amended to include fenestration detailing more in keeping with the locality. The properties fronting Stoney Bank Lane include driveway surfacing of an ochre coloured block paving, each of which would be accessed off Stoney Bank Lane. Landscaping is proposed in the gardens of most properties throughout the site.
- 10.8 In terms of building materials, planning policy BE11 of the UDP requires natural stone to be provided in areas where natural stone and slate is the predominant material of construction. Within the local area, with the odd exception, natural stone is the main facing material of existing dwellings and consequently, there is considered to be a requirement to provide natural stone as part of this proposal. In this case, whilst the applicant is willing to provide natural stone, this may be at the expense of a required affordable housing contribution. Further detail is provided in the viability section of this report however, some details are considered to be commercially sensitive information and therefore these will be included within a private appendix that is exempt from public view.

- 10.9 The design of dwellings is considered to reflect local vernacular and the properties facing Stoney Bank Lane would be more spacious and generally more reflective of the looser mix of building styles and plot sizes along Stoney Bank Road. Within the development the scheme is more regimented and the plot density increases. However, the density would be less than existing properties further down the slope either side of Old Mill Lane. The existing woodland to the west of the site provides a significant element of containment which would reduce significant views of the site from the west ensuring mainly short distance views. The site would be visible from various viewpoints on the opposing valley slope, particularly from higher ground. Three storey dwellings would be positioned on the upper slopes of the site; the overall impact being reduced by the continuing rise in the slope of the site.
- 10.10 As detailed above, there are number of features incorporated into the development in order to ensure it sits more comfortably within its surroundings. However, the plot density and nature of development means that inevitably it would appear as an urban form. Across the site the development achieves approximately 26 dwellings per hectare (excluding the POS) which is lower than the minimum of 35 dwellings per hectare advocated by policy PLP7 of the PDLP. However, in this case, the reduction in density is considered to represent an acceptable response to the character of the surrounding area. The proposal makes efficient use of the land when balanced against the need to ensure high quality design.
- 10.11 Overall it is not considered that the layout, design and external appearance of the development would cause unacceptable harm to the character and appearance of the surrounding area. The comprehensive scheme which includes 4 additional dwellings, being considered under planning application 2014/93248, would harmonise with the current proposal.

#### Residential Amenity

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

#### *Impact on the Old Tank House (dwelling)*

- 10.15 The scheme has been amended in order to reduce the impact on the Old Tank House. The nearest proposed dwelling (plot no. 1) has been moved approximately 2.7m further away from the Old Tank House with the proposed detached garage 2.5m further away.

10.16 The Old Tank House sits on a higher level than the application site and the outlook from a number of the windows look directly out over the application site. The scheme has been designed so that plot 1 application is situated at an oblique angle to the Old Tank House. The proposed garage would be positioned in front of the garden and windows associated with the Old Tank House. However, the garage and dwelling would sit on a level approximately 2m lower than the existing dwelling. The proposed detached garage would be 12.8m away from the existing dwelling and 6.8m from the boundary. There would be a strip of land between the dwelling/garage and the garden of the Old Tank House which would be free from development and would be an area of amenity space. The proposed plot no1 lies 10m from the boundary of the Old Tank House garden with only the gable end of this property facing the garden. The Old Tank House also faces plot no13, the gable end of which faces the existing dwelling and garden area. This dwelling is positioned over 6m from the boundary of the Old Tank House and over 12m from the two storey element of the existing dwelling and would sit at a level approximately 3m lower. On all counts, the proposed development is in excess of the standards set out in the UDP.

*Impact on Cobley Green (dwelling)*

10.17 The site adjoins the garden of Cobley Green to the south, the garden of which runs parallel to the rear boundary of proposed plots 13-17 (dwelling no's 18-21 are being considered under application 2017/93609). Cobley Green is accessed off Stoney Bank Road but it will be set back from the road. It is set within a large plot. The land currently falls away from Cobley Green into the site.

10.18 In plan form the proximity of the three storey dwellings in relation to the garden of Cobley Green has the potential for adverse effects. However, there are mitigating circumstances in this case. The proposed development involves reducing the land levels within the site by approximately 3-4m. Each of the proposed dwellings would be set approximately 4m lower than the garden area of Cobley Green. Consequently, each of the three storey houses would be set approximately 5m lower than the floor level of the existing dwelling at Cobley Green. Therefore, despite each dwelling being 3 storeys in height, the second storey windows would generally face the upper slope of the garden associated with Cobley Green and each dwelling would have a stepped garden and a retaining wall approximately 2m in height where it meets the garden of Cobley Green. The ridge height of the proposed dwellings would be slightly lower than the existing ridge height associated with Cobley Green. It would not be apparent from Cobley Green that the closest dwellings were 3 storeys in height given the significant level differences involved.

10.19 Each of the proposed dwellings would be at least 11.5m from the garden of Cobley Green. The gable end of Cobley Green would be between 17.5m and 19m from proposed dwellings. The main habitable room windows would be in excess of 30m from the nearest dwelling.

### *Impact on other properties*

- 10.20 There are four terraced properties which would face no 1a Stoney Bank Lane at a distance of approximately 15.5m from the existing rear yard and at a level approximately 1.5m to 2m higher. Therefore, in this case, there would be no unacceptable overlooking of the outdoor amenity area associated with no 1a Stoney Bank Lane as it is considered to meet the spacing standards set out in policy BE12.
- 10.21 All other properties within the proposed development are considered to be sufficient distance from existing properties and gardens so as to comply with the standards set out in policy BE12 of the UDP.
- 10.22 A number of existing properties close to the application site would see a change of outlook and the scheme would alter views currently experienced from their respective property. However, it is an established principle of planning law that there is no right to a view over third party land. The application is considered to ensure that existing occupiers retain sufficient standards of residential amenity. Consequently the application is considered to comply with policy BE12 of the UDP, PDLP policy PLP24 and a core planning principle of the NPPF in this respect.

### *Impact on future occupiers*

- 10.25 The development is considered to provide sufficient space between proposed dwellings and sufficient amenity areas for future occupiers. Garden lengths are at least 10m in length with the majority being over 10.5m.
- 10.26 There are a number of TPO'd trees beyond the western boundary of the site. These trees have the potential to cause shadowing effects for future occupiers of those gardens facing the trees. However, it does not appear that any overshadowing would be significant over a prolonged period. The gardens along this boundary are at least 18m long and this would reduce the effects of any potential overshadowing from tree canopies.

### Highways and Traffic Implications

- 10.27 Highways matters were fully considered at outline stage (2014/93248) and this included the point of access. Therefore, whilst it is acknowledged that there are a number of objections relating to impacts on the surrounding highway network, the reserved matters application does not allow the original decision to be reconsidered.
- 10.28 In respect of the internal layout, the proposal complies with the Council's parking standards. This means that each four bedroom dwelling and above includes 3 parking spaces per dwelling. Some of the parking is accommodated by integral garages and whilst the proposed garages are 5.76m x 2.86m as opposed to 6m x 3m; on balance the slight deviation from standards is considered acceptable in this case.
- 10.29 The proposed internal access road runs generally west to east before routing north to south along the rear of the site. The site slopes steeply generally north to south and therefore, the internal road would be relatively steep sloping running on a similar gradient to Stoney Bank Lane. Highways DM have assessed this element of the proposal and due to the sloping nature

have requested that footways are provided on either side of the road. These have been provided by the applicant. No objections are raised from Highways DM subject to conditions.

### Flood Risk and Drainage

- 10.30 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.
- 10.31 The submitted Flood Risk Assessment (FRA) considers the risk of flooding from various sources including rivers, groundwater, artificial sources and surface water. Most of the site lies in Flood Zone 1, although an area to the north is located in Flood Zones 2 and 3.
- 10.32 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
- 10.33 As part of the outline planning application, consideration was given to the use of soakaways. However, due primarily to the significantly sloping nature of the site, it was concluded that connecting to a watercourse would be the most suitable option.
- 10.34 Drainage for the application has been designed with an underground storage tank within the site in order that the development can accommodate all storms up to and including 1 in 100 year + 30% allowance for climate change. Surface water would be released into the New Mill Dyke via the existing woodland area at a restricted flow rate of 10.2 l/sec.
- 10.35 The drainage officer has assessed the proposal and raises no objections subject to conditions requiring full details of drainage and the final route of the of the drainage to be agreed.

### Ecological Issues

- 10.36 UDP policy EP11 requires that application incorporate landscaping which protects/enhances the ecology of the site. Emerging Local Plan policy PLP30 states that the Council will seek to protect and enhance the biodiversity and geodiversity of Kirklees, including the range of international, national and locally designated wildlife and geological sites, habitats and species of principal importance and the Kirklees Wildlife Habitat Network.
- 10.37 The outline planning permission (2014/93248) includes a condition requiring the submission of details relating to biodiversity mitigation/enhancement. This will be discharged separately. However, the layout and landscaping of the scheme is a key component in determining likely ecological effects.

- 10.38 Beyond the western boundary of the site lies a TPO'd area. There is an extensive area of woodland to the North West which includes TPO'd trees. This area is identified as part of the Kirklees Wildlife Habitat Network but falls outside the application site. New Mill Dike lies beyond the northern boundary of the site and has obvious ecological value. There is no proposal to remove any of the TPO'd trees which lie beyond the rear of the site.
- 10.39 The current scheme, which includes details of layout and landscaping, is considered acceptable. There is a large area of POS proposed to the north which is an extensive area of woodland. The applicant proposes the thinning of this woodland area and biodiversity enhancements. Overall, there are no objections to the proposed development from an ecological perspective.

#### Heritage Issues

- 10.40 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. No heritage impacts were considered as part of the outline proposals and it follows that the reserved matters would not result in adverse effects.

#### Planning Obligations and Developer Contributions

- 10.41 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.

- 10.42 Members should note that any calculations below and where necessary are based on the combination of planning application 2017/90353 and 2017/93609 (i.e. 52 dwellings)

#### *Education Provision*

- 10.43 Based on the latest calculations, a total of £220,962 required split between Kirkroyds Infant School Wooldale Junior School and Holmfirth High School. This is a requirement of planning condition no7 of the outline planning permission.

#### *Public Open Space*

- 10.44 Policy H18 of the UDP requires 30sqm of Public Open Space (POS) per dwelling on development sites in excess of 0.4 hectares. An area of land to the north of the site covering approximately 4500m<sup>2</sup> would be set out as an area of POS. This is well in excess of the 1500m<sup>2</sup> required by planning policy. As this area already forms a natural area of woodland, close to the river and unsuitable for housing, it is logical to utilise this space for POS.



10.45 The basis of the proposed POS is to maintain it as an area of managed woodland and include a formal footpath on the upper slopes of the POS, with a less formal route being located lower down the POS area. However, there is no formal play equipment within the scheme. The applicant has been notified that the scheme would be required to make a contribution of £102,374.07 towards a LEAP unless some on-site natural play or other play equipment was provided in order to reduce or negate the required contribution. A full update will be provided to committee.

10.46 It is noted that the site lies on the edge of an existing settlement and there are footpaths and routes into the open countryside. 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.

#### *Affordable Housing*

10.47 The Council's Interim Affordable Housing Policy requires that 20% of units are secured as affordable housing. Planning condition 6 attached to the outline planning permission secures this but as detailed above, affordable housing is being considered as part of the applicant's viability submission.

#### *Local Transport Infrastructure Mitigation and Improvements*

10.48 Highway works have already been secured as part of the outline planning permission:

- A sum of £50,000 towards traffic calming on Springwood Road, Thongsbridge.
- A sum of £24,750 towards the cost of New Mill junction improvements.
- A sum of £15,716.80 towards the provision of metrocards (based on 52 units).

#### *Viability*

10.49 The applicant has submitted a viability appraisal with this reserved matters application in respect of the affordable housing contribution and potential POS contribution. The applicant's appraisal concludes that providing natural stone throughout the development, or in part, would render required affordable housing and POS contributions undeliverable. The most recent submitted viability submission has been sent to the Council's appointed appraiser and is currently under consideration. A summary will be provided to Strategic Planning Committee within the committee update setting out the viability position of the scheme and how this affects the proposed materials and S106 requirements. However, such details of the viability issue are considered to be commercially sensitive information and therefore these will be included within a private appendix that is exempt from public view.

#### Other Issues

10.50 In respect of air quality, the application has been assessed against the West Yorkshire Low Emission Strategy Planning Guidance and emerging Policy PLP24 of the PDLP. In accordance with the guidance the installation of 1no electric charging point has been provided per unit.

## **11.0 Conclusion**

- 11.1 The principle of development concerning the reserved matters for 48 dwellings has already been established pursuant to outline planning permission 2014/93248.
- 11.2 The layout and density of the development is considered to be acceptable given the site's context. The scheme respects the rural nature of Thongsbridge and the surrounding area and in the round the house types and design are considered to reflect this. The layout provides acceptable separation to existing and new dwellings.
- 11.2 The height of the three storey dwellings to the south of the site is mitigated by the proposed site levels and as a result would sit relatively comfortably within this setting. The buildings respect the topography of the site which rises up from north to south.
- 11.3 The design and materials harmonise with the local vernacular and the amendments to the landscaping help to soften the appearance of the development and respect the semi-rural character of the area.
- 11.4 It is recommended that planning permission be granted.

### **Recommendation: Grant**

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

1. Approved Plans
2. Materials
3. Route of drainage scheme to be agreed
4. Woodland management and Public Open Space scheme
5. Removal of Permitted Development Rights associated with the proposed dwellings closest to Cobley Green.

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## Report of the Head of Strategic Investment

### STRATEGIC PLANNING COMMITTEE

Date: 11-Jan-2018

**Subject: Planning Application 2017/93609 Erection of 4 dwellings and change of use of land as domestic garden area and areas of public open space Land at, Stoney Bank Lane, Thongsbridge, Holmfirth**

#### APPLICANT

C Peatfield, Redrow  
Homes Ltd

#### DATE VALID

23-Oct-2017

#### TARGET DATE

18-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: Holme Valley South**

Yes

Ward Members consulted

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***RECOMMENDATION:***

DELEGATE approval of this application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report and to secure a Section 106 agreement that could include the following contributions (subject to viability-details that will be included within a confidential paper).

- .Public Open Space contribution and future maintenance
- .Affordable Housing

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

**1.0 INTRODUCTION:**

- 1.1 This application is intrinsically linked to planning application 2017/93053 (reserved matters for 48 dwellings) as both schemes form part of the same comprehensive scheme for the site.
- 1.2 Outline planning permission was granted in 2014 for residential development which included details of access located approximately half way down Stoney Bank Lane (2014/93248). The reserved matters application has been submitted (2017/93053) and initially included land which fell just outside the red-line boundary of the outline planning permission; this particularly affected the rear garden of 4no plots located in the south west corner of the site. Consequently, the applicant revised the red-line boundary of the reserved matters and the current applicant has been submitted for the 4no dwellings in the south western corner of the site so that there is no conflict with the outline planning consent.

- 1.3 Whilst the two planning applications considered above are separate, to all intents and purposes they form the same scheme. However, as planning application 2017/93053 is a reserved matters application pursuant to the outline consent; it is assessed under a separate report which is also on this committee agenda.
- 1.4 The application is presented to Strategic Planning Committee at the request of Councillor Patrick on the basis of the materials proposed and the density of development.
- 1.5 Outline planning permission was granted in 2014 for residential development which included details of access located approximately half way down Stoney Bank Lane.
- 1.6 The following matters were secured by the S106 Agreement as part of the outline consent:
- *A sum of £50,000 towards traffic calming on Springwood Road, Thongsbridge.*
  - *A sum of £24,750 towards the cost of New Mill junction improvements.*
  - *A sum of £15,716.80 towards the provision of metrocards (based on 52 units).*

Conditions 5, 6 and 7 of this outline planning permission required arrangements for the provision of public open space, affordable housing, and education respectively to be submitted to and approved in writing with the local planning authority before development commenced on site. These matters are to be agreed through a 'discharge of condition' process rather than the approval of reserved matters. A summary will be provided to Strategic Planning Committee within the committee update setting out the viability position of the scheme and how this affects the proposed materials and S106 requirements for the whole site (inclusive of reserved matters application 2017/93053). This is because at the time of writing the council's independent assessors had not concluded its advice. Some details are considered to be commercially sensitive information and therefore these will be included within a private appendix that is exempt from public view.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The wider site comprises an elongated parcel of sloping land. As the crow flies the site lies 1.5km to the north of Holmfirth and 1.3km to the west of New Mill. The site is bounded on the east by Stoney Bank Lane which connects to Stoney Bank Road. At the bottom of Stoney Bank Lane and to the north of the site the road forks into two cul-de-sacs which are surrounded by approximately 20 dwellings.
- 2.2 The site is split into a number of different areas intended to compliment the reserved matters (2017/93053) and the wider site. The site generally slopes from south west to north east. At the top of the slope and immediately adjacent to the site lies Copley Green (dwelling). The rear garden associated with one dwelling off Old Mill Lane adjoins the eastern boundary. There are further dwellings off Stoney Bank Road opposite the application site.

- 2.3 The north eastern portion of the site boundary the land is occupied by a woodland area. Beyond this and bounding the site lies New Mill Dike. There are a number of protected trees just beyond the north western boundary of the site which provide significant screening of the site when viewed from the west.
- 2.4 The site is fronted by a dry stone wall and fields within the site are divided by dilapidated dry stone walls and fencing. There are a small number of trees within the site, most notably three Sycamores located adjacent to Stoney Bank Road.
- 2.5 Stoney Bank Lane also comprises a Public Right of Way (PROW).

### **3.0 PROPOSAL:**

- 3.1 The application is split into a number of distinct areas, intended to compliment the outline planning application (2014/93248) and reserved matters (2017/93053) submissions.
- 3.2 The south western portion of the site includes 4no four bedroom dwellings set over 3 storeys. The red line boundary shows that access to these dwellings would utilise the internal access road proposed as part of planning application 2017/93053.
- 3.3 The red-line boundary incorporates small strips of garden land which are intended to form a small portion of garden associated with plot no's 13-17 proposed as part of the reserved matters (2017/93053). There is a thin strip of land adjacent to the Old Tank House which is proposed as an area of amenity space.
- 3.5 The application includes a thin strip of public open space adjacent to proposed plot 52 associated with planning application 2017/93053.

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

- 4.1 2014/93248 – Outline application for residential development – approved subject to conditions and S106 Agreement on 10<sup>th</sup> November 2014.
- 2017/93053 – Reserved matters application pursuant to outline permission 2014/93248 for erection of residential development (48 dwellings) – under consideration.

### **5.0 HISTORY OF NEGOTIATIONS**

- 5.1 The application has undergone extensive pre-application and clarification over land levels associated with dwellings within close proximity of Cobley Green.

### **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 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 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.

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

D5 - Provisional Open Land  
H1 - Housing Need  
H10/12 - Affordable Housing  
H18 - Provision of Open Space  
BE1/2 - Design and the Built Environment  
BE11 - Building Materials – Natural Stone in Rural Area  
BE12 - New dwellings providing privacy and open space  
BE23 - Crime Prevention Measures  
EP10 - Energy Efficiency  
EP11 - Landscaping  
T1 - Sustainable Transport Strategy  
T10 - Highways Safety / Environmental Problems  
T16 - Pedestrian Routes  
T19 - Off Street Parking  
G6 - Contaminated Land  
NE9 - Trees

#### 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

## 6.2 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

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 as a Major Development and a Departure from the Development Plan. Amended plans have also been re-advertised. A total of 15 objections have been received, summarised as follows. These comments are addressed in the remainder of this report unless otherwise stated:

- Many cars on Stoney Bank Lane already and additional impact from development.
- Too much traffic in the local area already especially New Mill crossroads.

*Officer response: Principle matters concerning traffic generation were assessed as part of the outline application (2014/93248) and members resolved to grant planning permission subject to conditions. Whilst the current proposal is a full application, the combination of this proposal along with the reserved matters proposal (2017/93053) involves 52 dwellings which is consistent with the scale of the development assessed and accepted as part of the outline planning permission (2014/93248).*

- Impact of construction traffic due to mud and impact on safety of school children.

*Officer response: Condition no 25 of the outline planning permission (2014/93248) requires a scheme for construction traffic and management and this would apply to the current application.*

- *Objection from Old Tank House* - The gable end of plot 13 being 3 storey would tower above the house and garden of the Old Tank House. This house will completely overshadow the garden and in particular the patio of the Old Tank House. The patio area of the Old Tank House would be overshadowed. A proposal to obtain a small area of land at the top end of plot 13 so that an alternative patio can be created has been rejected by Redrow Homes on the grounds that Kirklees Council has stipulated the size of garden Plot 13 has to have. Could this be looked into please so that under consideration of the 'neighbours' amenity', a compromise may be made.



- A tank will be used to store the runoff water when it rains and then gradually feed this into New Mill Dike. Does the tank size take into account the amount of water which runs into the current field from the current properties in the Stoney Bank Road and Springwood Road area? The water from these areas, which the field currently absorbs, will have to go somewhere. It is conceivable, therefore, that the tank will not be able to cope with the sheer volume of water. This would pose a serious flood risk to the current properties in Old Mill Lane and Stoney Bank Lane, especially those living at the bottom of the lane. Once a property has been flooded, home owners have to declare this to their insurance companies as well as potential buyers when selling their home.

*Officer response: There is a suite of planning conditions attached to the outline planning permission requiring the submission of drainage details. Any scheme in terms of the tanking of surface water run-off will be designed to accommodate storms up to and including 1 in 100 year + 30% allowance for climate change. An identical set of conditions would be applied to the current planning application.*

- The proposed Highways within the boundaries of the proposed scheme is also considered unsuitable, primarily due to steep gradients which contravenes the Highways Guidance notes on Gradients. The main carriageway within the development is parallel to Stoney Bank Lane and therefore is the same gradient i.e. approximately 1 in 7 or 13%. The proposed highway should generally travel across perpendicular to the gradient to minimise the steepness in line with the guidance notes. It is not unreasonable that 'shallower' more safer gradients can still be achieved on this scheme which may travel 'more' across the gradient rather than perpendicular to it.

*Officer response: Highways DM have been consulted. They raise no issues with the levels providing that the main road running through the site includes adequate footway provision for pedestrians. Consequently, the scheme has been amended in order to accommodate this requirement.*

- Types of housing could be improved which would improve the scale and density
- The proposed heights of the ridge lines would exceed that our neighbouring properties and would overpower them. As discussed the ridge height information noted on the drawings appears incorrect or missing which you mentioned that KMC would address, especially considering the 'Old Tankhouse' and 'Cobley Green' properties.

*Officer response: The applicant has clarified the levels and amended cross-sections have been submitted to demonstrate the proposed levels and impact on the amenity of the area.*

- There has already been a recently completed major housing scheme the same housing types just around the corner less than a third of a mile away.

*Officer response: Principle matters were assessed as part of the outline application (2014/93248) and members resolved to grant planning permission subject to conditions. Whilst the current proposal is a full*

*application, the combination of this proposal along with the reserved matters proposal (2017/93053) involves a total of 52 dwellings which is consistent with the scale of the development assessed and accepted as part of the outline planning permission (2014/93248). In any event, the principle of housing on this site is considered acceptable as detailed in the relevant section of this report.*

- A public bridleway through the scheme would improve density including more green space and more trees within the development and keeping with the natural environment which already exists.

*Officer response: There is no requirement for a bridleway. Pedestrian links have been considered. The site is steep sloping and therefore, incorporating appropriate bridleway links would prove challenging. The scheme proposes a large area of POS at the bottom of the slope within the area of the existing woodland.*

- The proposed artificial materials are cheap and inappropriate for the surrounding area. Nearly all local properties have natural stone walling with a combination of slate and tiled roofs. A mock Tudor type house was proposed at the public consultation event but unsure whether this still applies to this application which we consider to be inappropriate.
- A drainage strategy should be submitted on the basis that there is an existing watercourse in the immediate vicinity of the site and whether capacity for the surface but primarily the foul is adequate to accommodate the proposed scale of the development. High rainfall on Stoney Bank Road drainage already cannot accommodate the amount and velocity of rainfall which subsequently results in the rainwater travelling down Stoney Bank Road onto Stoney Lane.
- The site was designated as Provisional Open Land on the Local Development Plan, is a Wild Life Corridor and has a Public Right of Way. The current productive use of the land as grazing pasture for the raising of sheep is the perfect protection for the Local Plan's designations.

*Officer response: See 'principle' section of this report.*

- The surrounding existing properties are in general built of natural local stone and this should be a requirement of the proposed scheme. The proposed house types (3/4 bed) have already been over supplied to the area given the number recent scheme approvals and completions.
- *Objection from Cobley Green* - The indicative layout plan submitted with the Outline planning application (2014/93248) showed 3 dwellings along the southern boundary of the site, the boundary shared with Cobley Green. Proposed dwellings along this boundary have all been designed to be 3 storeys in height. Although the levels drop down away from Cobley Green, the rear windows in the proposed dwellings along this boundary (particularly plots 18-21), have the potential to overlook the outside amenity space of Cobley Green. As such, the amount of privacy currently enjoyed by the occupier of Cobley Green would be severely reduced. Dwellings along this boundary would lead to an increase in noise levels and general disturbance in this part of the site due to the higher numbers of people living in and visiting these properties.

- A less dense layout with fewer properties would be more in keeping with the character and appearance of the area. Two storey properties would also be preferable as this would reduce the overall scale and massing of the development, and again would help to retain the local distinctiveness of this area.
- The covenant expressly explains that vans are not allowed to be parked overnight outside of someone's property along Old Mill Lane. Will the development have similar covenants? If so where are people who have a works van going to park them?
- When the development is completed where are the development guests going to park?

*Officer response: Parking has been assessed by Highways DM. No objections are raised and the proposal complies with the Council's parking standards.*

- Where is the third car from the properties within the development going to park?
- Are there going to be any covenants put on the land, for example not being able to use a property for business use? The traffic will increase even more if people are allowed to run businesses, such as childminding, from their properties.
- During the building of the development how is it proposed that the lorries, HGV's, equipment and plant are going to access the site?
- Is the proposal that they enter the site via Stoney Bank Lane? If so how are they going to fit down the road as the road is used by the residents and guest of Old Mill Lane and Stoney Bank Lane?
- The lorries and HGV's entering the site during the building phase of the development, are they going to be banned from attempting to access the site from Kirk Bridge Lane?

*Officer response: This application concerns reserved matters. Condition no 25 of the outline planning permission (2014/93248) requires a scheme for construction traffic and management. The same scheme would apply to this full application.*

- Are there any plans to widen and improve Kirk Bridge Lane and Stoney Bank Lane to cope with the additional traffic?
- Are there any plans to improve the junction of Kirk Bridge Lane and the A616?

*Officer response: Principle matters concerning traffic generation were assessed as part of the outline application (2014/93248) and members resolved to grant planning permission subject to conditions. Whilst the current proposal is a full application, the combination of this proposal along with the reserved matters proposal (2017/93053) involves 52 dwellings which is consistent with the scale of the development assessed and accepted as part of the outline planning permission (2014/93248).*

- How will the residents of the new development exit the estate?
- Is there a plan to widen Stoney Bank Lane in order to cope with this massive increase in traffic?
- Are any provisions going to be put in place for the developer or the council to cover the cost of current home owners insurance when their property has been flooded due to the new development?

*Officer response: This is not a material planning consideration.*

- Will any provisions be put in place to cover the reduction in property value which will result from a flooding incident (which then has to be declared to potential buyers) when the resident of Old Mill Lane and Stoney Bank Lane would like to sell their property?

*Officer response: This is not a material planning consideration.*

- What is the compensation for residents for the disruption to their quality of life due to the air, noise and traffic impacts on them due to the building of this development?
- Does the proposed development plan to fell the trees at the back of the field?

*Officer response: There is no proposal to fell any of the existing TPO'd trees which lie to the rear of the site.*

- Why has no one looked at what planning applications have been submitted for the same very local area? Why has no one flagged that there is a potential issue as there are two other planning application in?
- What will the hours of work be for the building of the development? Are there any plans to carry out building work at weekends when current residents will be home?

Councillor Patrick raises the following objection:

- Cheap building materials. The site is highly visible from Brockholes/New Mill Road.

Councillor Sims raises the following objection:

- The agreement was for natural stone and this should be enforced.

Holme Valley Parish Council – Object to both applications for the same reasons. Highways and access issues, over-intensification and this is a greenfield site. Members are concerned at the narrow access road to be used by large amounts of traffic and safety of children in particular, using the access to reach the High School. Primary schools not easily accessible from this location and there are poor or non-existent footways, which would make it dangerous for children to walk to and from school.

*Officer response: The principle of development on this site has already been established by virtue of planning permission 2014/93248 and whilst the proposal is a full application, it is considered to respect the outline planning permission in terms of quantum of development and is considered to be acceptable and in terms of highways impacts.*

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

Environment Agency – No objection providing no development in flood zones 2 and 3.

K.C Strategic Drainage - No objection subject to conditions.

K.C Highways – No objection subject to conditions.

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

K.C Education – No objection. A contribution of £220,962 is required.

Police Architectural Liaison Officer – No objection but comment as follows. Rear garden boundaries, which need to offer sufficient protection against intrusion, where applicable, from adjacent open land. Side boundaries dividing house plots from each other, which need to be tall and substantial enough to provide both privacy and security. For example, closed boarded timber fencing should be provided to a minimum 1.5m in height, and include privacy screen (a section of higher fencing) of 1.8m in height projecting out from the building for about 2m, to provide a private amenity area adjacent to the home.

K.C Biodiversity Officer – No objection following the submission of amended plans.

Tree Officer - I've no objection to the proposal, although we do need to see an arboricultural method statement for the site to show how this development will be constructed while avoiding direct damage to the trees during the building phase. In addition we need to see a condition that requires further details about the exact level of tree removal which will be required to implement the new path and storm sewer. Along with a condition for a long term woodland management plan for the POS.

Yorkshire Water Services – No objection.

K.C Conservation and Design – Overall I am comfortable with the proposal and follows the advice at pre-app. I could raise an issue that the buildings do not turn the corners well, the insertion of one window hardly does this, but on balance this is a minor comment and not one that should be used for further amendments.

K.C Environmental Health – No objection.

K.C Landscape – Provision of POS within woodland incorporating accessible footpath etc. (DDA where possible) meets the requirements for POS provision of 30sq.m. per dwelling. For this number of dwellings, the POS provision should incorporate a LEAP which should include its own commuted sum. The existing woodland POS is not a suitable location for play provision so we would anticipate an off-site contribution in lieu of this being on site, this is in the region of £102,374.07

*Officer response: The above calculation relates to the combination of 2017/93053 and the current application (i.e. a total of 52 dwellings)*

## **9.0 MAIN ISSUES**

Principle of Development  
Impact on Character of Surrounding Area and Landscape  
Residential Amenity  
Highways and Traffic Implications  
Flood Risk and Drainage  
Ecological Issues  
Heritage Issues  
Planning Obligations and Developer Contributions  
Other Matters  
Planning Balance

## **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 principle of development on this site has largely been established. In 2014 planning permission (2014/93248) was granted for residential development. At that time the number of dwellings was not set. However, the planning permission established that this site was acceptable for the provision of housing.
- 10.3 The planning application 2017/93609 is a full application involving the erection of 4 dwellings and has been submitted as the red line boundary of the rear gardens of these properties falls outside the approved boundary of 2014/93248. Nevertheless, the same principle applies to this scheme as the approved outline permission. Whilst the application lies on Provisional Open Land (POL) and is therefore, contrary to policy D5 of the UDP; the Council are unable to demonstrate a 5 year supply of housing. Consequently, and given the clear similarities between 2017/93609 and 2017/93053 and the fact that the principle of development has largely been established for the four dwellings associated with planning application 2017/93609; the principle of development is considered acceptable in this case.

- 10.4 It is noted that the site is a housing allocation on the Kirklees Publication Draft Local Plan (PDLP).

Impact on Character of Surrounding Area and Landscape

- 10.5 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.
- 10.6 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.
- 10.7 The scheme has been designed with a central access point and main spine road which cuts across the existing field.
- 10.8 The scheme comprises 4no three storey dwellings in the south western corner of the site.
- 10.9 The design of individual properties has been amended to include fenestration detailing more in keeping with the locality. The properties fronting Stoney Bank Lane include driveway surfacing of an ochre coloured block paving, each of which would be accessed off Stoney Bank Lane. Landscaping is proposed in the gardens of most properties throughout the site.
- 10.10 In terms of building materials, planning policy BE11 of the UDP requires natural stone to be provided in areas where natural stone and slate is the predominant material of construction. Within the local area, with the odd exception, natural stone is the main facing material of existing dwellings and consequently, there is considered to be a requirement to provide natural stone as part of this proposal. In this case, whilst the applicant is willing to provide natural stone, this may be at the expense of a required affordable housing contribution. Further detail is provided in the viability section of this report however, some details are considered to be commercially sensitive information and therefore these will be included within a private appendix that is exempt from public view.
- 10.11 The design of dwellings is considered to reflect local vernacular. The site would be visible from various viewpoints on the opposing valley slope, particularly from higher ground. Three storey dwellings would be positioned on the upper slopes of the site; the overall impact being reduced by the continuing rise in the slope of the site.
- 10.12 There are number of features are incorporated into the development in order to ensure it sits more comfortably within its surroundings. However, the plot density and nature of development means that it would appear as an urban form. Across the site the development achieves approximately 26 dwellings per hectare (excluding the POS) which is lower than the minimum of 35 dwellings per hectare advocated by policy PLP7 of the PDLP. However, in

this case, the reduction in density is considered to represent an acceptable response to the character of the surrounding area. The proposal makes efficient use of the land when balanced against the need to ensure high quality design.

- 10.13 Overall it is not considered that the layout, design and external appearance of the development would cause unacceptable harm to the character and appearance of the surrounding area. The reserved matters scheme which includes 48 additional dwellings, being considered under planning application 2017/93053, would harmonise with the current proposal.

#### Residential Amenity

- 10.14 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.

- 10.15 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.

- 10.16 A number of the proposed dwellings lie in close proximity of properties in the local area. However, the main impact in this case is considered to be associated with the proposed dwellings and their relationship with Cobley Green.

#### *Impact on Cobley Green (dwelling)*

- 10.17 The site adjoins the garden of Cobley Green to the south, the garden of which runs parallel to the rear boundary of proposed plots 18-21. Cobley Green is access off Stoney Bank Road but it will be set back from the road. It is set within a large plot. The land currently falls away from Cobley Green into the site.

- 10.18 The proposed development involves reducing the land levels within the site by approximately 3-4m. Each of the proposed dwellings would be set approximately 4m lower than the garden area of Cobley Green. Consequently, each of the three storey houses would be set approximately 5m lower than the floor level of the existing dwelling at Cobley Green. Therefore, despite each dwelling being 3 storeys in height, the second storey windows would generally face the upper slope of the garden associated with Cobley Green and each dwelling would have a stepped garden and a retaining wall approximately 2m in height where it meets the garden of Cobley Green. The ridge height of the proposed dwellings would be slightly lower than the existing ridge height associated with Cobley Green. It would not appear from Cobley Green that the closest dwellings were 3 storeys in height.

- 10.19 Each of the proposed dwellings would be at least 11.5m from the garden of Cobley Green.



### *Impact on other properties*

- 10.20 All other properties within the proposed development are considered to be sufficient distance from existing properties and gardens so as to comply with the standards set out in policy BE12 of the UDP.
- 10.21 The application is considered to ensure that existing occupiers retain sufficient standards of residential amenity. Consequently the application is considered to comply with policy BE12 of the UDP, PDLP policy PLP24 and a core planning principle of the NPPF in this respect.

### Highways and Traffic Implications

- 10.22 Highways matters were fully considered at outline stage (2014/93248) and this included the point of access. Therefore, whilst it is acknowledged that there are a number of objections relating to impacts on the surrounding highway network, the impact on the highway network has previously been established and considered as part of the outline.
- 10.23 In respect of the internal layout, the proposal complies with the Council's parking standards. This means that each four bedroom dwelling and above includes 3 parking spaces per dwelling. Some of the parking is accommodated by integral garages and whilst the proposed garages are 5.76m x 2.86m as opposed to 6m x 3m; on balance the slight deviation from standards is considered acceptable in this case.
- 10.24 The proposed internal access road runs generally west to east before routing north to south along the rear of the site. The site slopes steeply generally north to south and therefore, the internal road would be relatively steep sloping running on a similar gradient to Stoney Bank Lane. Highways DM have assessed this element of the proposal and due to the sloping nature have requested that footways are provided on either side of the road. These have been provided by the applicant. No objections are raised from Highways DM subject to conditions.

### Flood Risk and Drainage

- 10.25 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.
- 10.26 The submitted Flood Risk Assessment (FRA) considers the risk of flooding from various sources including rivers, groundwater, artificial sources and surface water. Most of the site lies in Flood Zone 1, although an area to the north is located in Flood Zones 2 and 3.

- 10.27 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
- 10.27 As part of the outline planning application, consideration was given to the use of soakaways. However, due primarily to the significantly sloping nature of the site, it was concluded that connected to a watercourse would be the most suitable option and the proposed development is designed to be incorporated into the scheme being considered at reserved matters (2017/93053).
- 10.28 Drainage for the application has been designed with an underground storage tank within the site in order that the development can accommodate all storms up to and including 1 in 100 year + 30% allowance for climate change. Surface water would be released into the New Mill Dyke via the existing woodland area at a restricted flow rate of 10.2 l/sec.
- 10.29 The drainage officer has assessed the proposal and raises no objections subject to conditions requiring full details of drainage and the final route of the of the drainage to be agreed.

#### Ecological Issues

- 10.30 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.
- 10.31 The outline planning permission (2014/93248) includes a condition requiring the submission of details relating to biodiversity mitigation/enhancement. This will be discharged separately. However, the layout and landscaping of the scheme is a key component in determining likely ecological effects.
- 10.38 Beyond the western boundary of the site lies a TPO'd area. There is an extensive area of woodland to the North West which includes TPO'd trees. This area is identified as part of the Kirklees Wildlife Habitat Network but falls outside the application site. New Mill Dike lies beyond the northern boundary of the site and has obvious ecological value.
- 10.39 The current scheme, which includes details of layout and landscaping, is considered acceptable. There is a large area of POS proposed to the north which is an extensive area of woodland. The applicant proposes the thinning of this woodland area and biodiversity enhancements as part of the proposals for the wider site. Overall, there are no objections to the proposed development from an ecological perspective.

## Heritage Issues

- 10.40 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. No heritage impacts were considered as part of the outline proposals and it follows that the reserved matters would not result in adverse effects.

## Planning Obligations and Developer Contributions

- 10.41 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.

- 10.42 Members should note that any calculations below and where necessary are based on the combination of planning application 2017/90353 and 2017/93609 (i.e. 52 dwellings)

## *Education Provision*

- 10.43 Based on the latest calculations, a total of £220,962 required split between Kirkroyds Infant School Wooldale Junior School and Holmfirth High School. This is a requirement of planning condition no7 of the outline planning permission.

## *Public Open Space*

- 10.44 Policy H18 of the UDP requires 30sqm of Public Open Space (POS) per dwelling on development sites in excess of 0.4 hectares. An area of land to the north of the site covering approximately 4500m<sup>2</sup> would be set out as an area of POS. This is well in excess of the 1500m<sup>2</sup> required by planning policy. As this area already forms a natural area of woodland, close to the river and unsuitable for housing, it is logical to utilise this space for POS.

- 10.45 The basis of the proposed POS is to maintain it as an area of managed woodland and include a formal footpath on the upper slopes of the POS, with a less formal route being located lower down the POS area. However, there is no formal play equipment within the scheme. The applicant has been notified that the scheme would be required to make a contribution of £102,374.07 towards a LEAP unless some on-site natural play or other play equipment was provided in order to reduce or negate the required contribution. A full update will be provided to committee.

- 10.46 It is noted that the site lies on the edge of an existing settlement and there are footpaths and routes into the open countryside. 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.

### *Affordable Housing*

- 10.47 The Council's Interim Affordable Housing Policy requires that 20% of units are secured as affordable housing. Planning condition 6 attached to the outline planning permission secures this. However, as above, this is subject to viability.

### *Local Transport Infrastructure Mitigation and Improvements*

- 10.48 Highway works have already been secured as part of the outline planning permission:
- A sum of £50,000 towards traffic calming on Springwood Road, Thongsbridge.
  - A sum of £24,750 towards the cost of New Mill junction improvements.
  - A sum of £15,716.80 towards the provision of metrocards (based on 52 units).

### *Local Transport Infrastructure Mitigation and Improvements*

- 10.49 Highways works have already been secured as part of the outline planning permission:
- A sum of £50,000 towards traffic calming on Springwood Road, Thongsbridge.
  - A sum of £24,750 towards the cost of New Mill junction improvements.
  - A sum of £15,716.80 towards the provision of metrocards (based on 52 units).

### *Viability*

- 10.50 The applicant has submitted a viability appraisal for the whole site (inclusive of reserved matters application 2017/93053) in respect of the affordable housing contribution and potential POS contribution. The applicant's appraisal concludes that providing natural stone throughout the development, or in part, would render required affordable housing and POS contributions undeliverable. The most recent submitted viability submission has been sent to the Council's appointed appraiser and is currently under consideration. A summary will be provided to Strategic Planning Committee within the committee update setting out the viability position of the scheme and how this affects the proposed materials and S106 requirements. However, such details of the viability issue are considered to be commercially sensitive information and therefore these will be included within a private appendix that is exempt from public view.

### Other Matters

- 10.51 In respect of air quality, the application has been assessed against the West Yorkshire Low Emission Strategy Planning Guidance and emerging Policy PLP24 of the PDLP. In accordance with the guidance the installation of 1no electric charging point has been provided per unit.

## **11.0 Conclusion**

- 11.1 The proposal is considered acceptable in principle given the POL allocation, the lack of 5 year supply and the fact that the four dwellings effectively form part of the development of the comprehensive scheme which has already been found acceptable in principle.

- 11.2 The layout and density of the development is considered to be acceptable given the site's context. The scheme respects the rural nature of Thongsbridge and the surrounding area and in the round the house types and design are considered to reflect this. The layout provides acceptable separation to existing and new dwellings.
- 11.3 The height of the three storey dwellings is mitigated by the proposed site levels and as a result would sit relatively comfortably within this setting. The buildings respect the topography of the site which rises up from north to south.
- 11.4 It is recommended that planning permission be granted with the conditions relating to the full element (2017/93609) reflecting those conditions imposed outline stage with additional conditions to reflect the reserved matters and in order to ensure that this application could not be developed in isolation.

**Recommendation:**

Grant Full Planning Permission

1. 3 years
2. Materials to be submitted
3. Cannot be occupied until such a time that 2017/93053 is built out
4. Drainage as per 2014/93248
5. Landscaping

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**Report of the Head of Strategic Investment**

**HUDDERSFIELD PLANNING SUB-COMMITTEE**

**Date: 11-January 2018**

**Subject: Pre application for demolition of existing building and erection of 695 dwellings**

**Black Cat Fireworks Ltd, Standard Drive, Crosland Hill, Huddersfield, HD4 7AD**

**APPLICANT**

Dominic Page

**DATE VALID**

09-Oct-2017

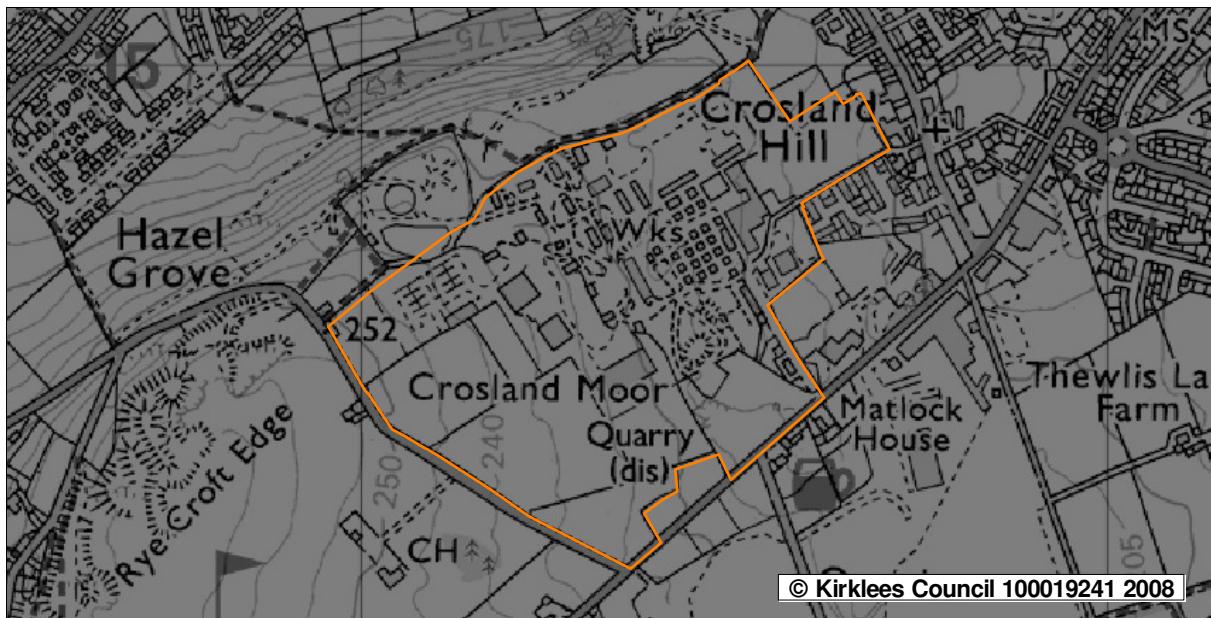
**TARGET DATE**

05-Dec-2017

**EXTENSION EXPIRY DATE**

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**LOCATION PLAN**



**Map not to scale – for identification purposes only**

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**Electoral Wards Affected:**

- 1. Crosland Moor and Netherton**
- 2. Colne Valley**

yes

Ward Members consulted  
(referred to in report)

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**RECOMMENDATION:**

Members to note the contents of this report for information.

**1.0 INTRODUCTION:**

- 1.1 This pre-application enquiry is brought to Strategic Committee to inform Members of a potential large scale major application, which is likely to be submitted on the former Black Cats Fireworks site, and surrounding Area, later this year.
- 1.2 If the application is submitted it will be brought to Strategic Committee for determination.
- 1.3 Details of the proposals and issues are summarised in this report.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 The site comprises an area of 22.8 ha ,comprising the former Black Cat Fireworks site, off Blackmoorfoot Road, Crosland Moor, and the surrounding area. The site has frontages onto Blackmoorfoot Road, and Felks Stile Road. To the west on the opposite side of Felks Stile Road is the Crosland Heath Golf course.
- 2.2 To the west are dwellings and properties along Crosland Hill Road, including the Crosland Hill Farm complex, which contains a Grade 2\* listed building. To the north of the former factory is an area which is within the green belt, and comprises a prominent landscape feature when viewed from distance from the north.
- 2.3 There are a number of public footpaths which run across the northern portion of the site.



### **3.0 PROPOSAL:**

- 3.1 A residential scheme comprising up to 700 dwellings is proposed with associated green space and open space. The houses will be a mix of 2-5 bed houses, with an area identified near the junction with Blackmoorfoot Road, and Felks Stile Road as containing 70 bedroomed extra care facility( ie: 10%).
- 3.2 Two access points are proposed, one along the existing standard Drive to the former Fireworks factory, and a second off Felks Stile Road.
- 3.3 The area to the north of the factory is retained as open space up to the ridge point, and generally speaking take the form of a linear park.
- 3.4 In the SE corner of the site, near the entrance off Blackmoorfoot Road, a small retail unit (maximum 500sq m) is proposed.

### **4.0 RELEVANT PLANNING POLICY.**

#### Site Designation

- 4.1 Within the Unitary Development Plan the site is a mixture of allocations, including unallocated ( the factory site), Provisional Open Land to the east and west, and the area to the north of the factory is green belt.
- 4.2 In the Emerging Local Plan, the site is allocated as a mixed use site-residential and employment MX1930), and also green belt.
- 4.3 To the west and adjacent of this site, facing onto Blackmoorfoot Road, the depot site is allocated for housing (H.481)

#### Relevant UDP Policies

- D2 Unallocated land
- B4 – Change of use of land and buildings last used for business or industry;
- BE1 – Design principles
- BE2 – Quality of design
- G6 – Land contamination
- T10 – Highway safety
- T19 – Parking standards
- H10 – Affordable housing
- H18 – Provision of open space
- T16 Footpaths as part of development

#### National Planning Policy Framework

- Part 1: Building a strong competitive economy
- Part 4: Promoting sustainable transport
- Part 6: Delivering a wide choice of high quality homes

- Part 7: Requiring good design
- Part 8: Promoting healthy communities
- Part 9: Protecting green belt
- Part 10: Meeting the challenge of climate change, flooding and coastal change
- Part 11: Conserving and enhancing the natural environment
- Part 12: Conserving and enhancing the historic environment.

#### Other Documents

Kirklees Interim Affordable Housing Policy  
Kirklees Education Policy meeting needs generated by new development.

## 5.0 CONSULTATION RESPONSES

- 5.1 A request for Screening Opinion has been submitted and it was concluded that this development does not require an Environmental Impact Assessment.

**KC-Conservation and Design.** The master planning approach has been undertaken in a well considered manner, and evolved following public consultation, and technical constraints.( eg drainage solutions).

In addition to a Masterplan and Design and Access Statement, a Heritage Impact Assessment will be required, and reference to the Castle Hill Settings Study is a key requirement.

**KC Highways DM** Full Transport Assessment required, scope of the Assessment to be agreed prior to any submission

**KC Education Services** It is not necessary to provide a new school on the site, but an Education contribution of approx. £2,000,000 would be required

**KC Strategic Housing Services-**There is a demonstrable need for affordable housing in this and neighbouring areas The Councils Interim affordable housing policy would require 20% of the units for affordable ie approx. 140. The Councils policy requires a 55% social housing; 45% intermediate split. Vacant building credit may be applicable, but only to buildings that are not currently in use.

**KC Landscape and Parks-** The Council's regarding POS is applicable in this case, and onsite POS will be required in accordance with this policy. The scheme will also need to be accompanied by a Landscape Visual Impact Assessment.

**KC Lead Local Flood Authority-** No fundamental objections to the development subject to an appropriate and agreed Drainage Strategy for the site( including temporary drainage measures during construction).

**KC Environmental Health.** A Phase 1 and 2 Contaminated Land report will be required together with a Remediation Strategy, and subsequent validation report. The proposed scheme will also need to be assessed against the West Yorkshire Low Emissions Strategy as a major scheme, and the impacts of the scheme on air quality identified and appropriate mitigation measures identified.

**KC Environment Unit.** Any scheme will need to be accompanied by a full ecological survey, and ecological impact assessment.

**KC Public Health-** A Full Health Impact Assessment will be required.

**Police Architectural Liaison Officer-** No objection in principle, crime prevention measures and principles should be incorporated into any layout.

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

- 6.1 The potential applicants have undertaken a pre-application consultation exercise, with the public and local representatives. This took place on the afternoon and evening of 28<sup>th</sup> November at the Crosland Hill Church Hall Between 1.00-2.30pm Stakeholder preview session; and 2.30-8.00pm drop in session. 128 people attended.
- 6.2 Key themes that emerged from the consultation event were
- The traffic impact of the development;
  - Capacity of local services( schools, doctors surgeries etc) and access to local facilities ( eg retail)
  - The potential for loss of employment at Black Cat Factory; and
  - Private land ownership/ no public right of access to Farmhouse Court.
- 6.3 This exercise led to a revision in the masterplan (which is the one being presented), the changes being:
- There is a SW-NE connection emphasised across the site , in view of access to farmhouse Court not being available;
  - A slight reduction in numbers from 700 to 695 (625 dwellings and 70 extra care apartments;
  - The inclusion of a small retail/ local centre( up to 500sq m). Plus the inclusion of upto 24 apartments( included within the 625 dwellings) which would be located above the retail/ local centre block and a small block opposite that.
- 6.4 It is intended to undertake a further public consultation exercise following any comments / suggestions received from this strategic committee.
- 6.5 Any formal submission would need to be accompanied by a Statement of Community Involvement.

## 7.0 MAIN ISSUES

### **Principle of development and Policy.**

- 7.1 The former Fireworks Factory site is a brown field site, and is unallocated on the UDP. The neighbouring land to the west and east is Provisional Open Land, and the area to the north is within the Statutory Green Belt. The entire site is identified as a potential mixed use development (housing and employment) on the Emerging Local Plan.
- 7.2 The proposal seeks residential use across the whole site. Justification for this in lieu of the loss of potential, and existing employment land will need to be provided, to satisfy UDP policies and the mixed use allocation on the Emerging Local Plan.
- 7.3 The Council needs to demonstrate a 5 year supply of deliverable housing, and this is a material planning consideration that carried considerable weight.
- 7.4 Relevant policies in both the UDP, and the Emerging Local Plan include The Interim Affordable Housing policy ie the provision of 20% of units; Education contributions, and the provision of POS within the site.
- 7.5 The National Planning Policy Guidance provides incentive for brownfield development on sites containing vacant buildings ie Vacant Building Credit, that this Local Authority has applied to such sites in the District.
- 7.6 The indicative masterplan shows an area dedicated to 70 extra care dwellings. The provision of extra care homes is welcomed however their proximity to existing facilities is somewhat remote.
- 7.7 The Masterplan provides for a small retail outlet (less than 500sq m) to serve the development. Given the small scale of the retail unit, it is below the threshold of retail development that would require an Impact Assessment.

### **Highway Issues**

- 7.8 Any application will need to be accompanied by a Full Transport Assessment, the scope of which will be agreed between the applicants and the Councils Highway Services. The traffic / highways issues need to be considered at a number of different levels ie
- Strategically;
  - Immediate site surrounds and access points;
  - and internally
- 7.9 Strategically the scheme will need to be modelled and the impact on a significant number of junctions within the immediate and wider area (extending as far down Black Moor Foot Road as Longroyd Bridge), will need to be identified, in order to develop potential solutions to mitigate the traffic increase;

- 7.10 The indicative masterplan, highlights 2 access points ie: off Blackmoorfoot Road (the existing Standard Drive), and off Felks Stile Lane opposite the Golf Club. It is considered that both of these access points are satisfactorily located, and can provide adequate visibility and width to serve the development, and provide any necessary pavement / footpath improvements or provision.
- 7.11 At this stage the scheme includes an indicative layout, and should an application, be received it would likely be an outline application, with access issues applied for. However, the indicative layout is considered broadly acceptable. Footpaths across the site are retained and permeability between different parts of the site and connections to neighbouring areas ie Crosland Hill are provide. On this site full parking provision should be provided, given the distance to the local facilities. Options of improving the provision of public transport to within the site should be seriously explored to offer a sustainable alternative to the use of the car.
- 7.12 A Travel Plan, advised to address the specific issues associated with this sites location should be provided.

### **Urban Design**

- 7.13 The indicative layout provided for a density of approx. 30 per ha on the developable areas, of the site. This is considered to be a comparable density to the nearest dwellings on Crosland Hill Road, and an efficient use of the land.
- 7.14 With the exception of the extra care apartments, the mixture of housing appears to be predominantly 2 storey, which is considered acceptable in this location. Given the sites prominence, as viewed from distance , it is considered that low rise buildings are more appropriate in this landscape.
- 7.15 The scheme includes substantial areas of open space with substantial areas located at the main entrance points to the site off Blackmoorfoot Road, and Felks Stile Road, a central linear spine of open space adjacent to a footpath, and a central park area. In addition the area to the north (within the green belt, but also within the ownership of the applicants, is retained , in open use, as a linear park area associated with the public footpaths that run along the north of the site, and a sizeable natural play area to the north west of the site. There is also an area (no 13) which is located on the NE edge of the site adjacent to the curtilage of the group of listed building on Crosland Hill Road.
- 7.16 The indicative layout, for the most part, shows the housing set back from the two road frontages, with ample room to provide landscaped areas, to soften the edge of the development and its relationship to the adjoining green belt areas.

- 7.17 Any application will be accompanied by a full Design and Access Statement, and a Building for Life 12 Assessment, indicating how the scheme has evolved, and adapted to accommodate constraints and public comment.

### **Heritage Issues.**

- 7.18 On the boundary on the NE edge of the site is a grouping of buildings set off Crosland Hill Road, and Farmhouse Court, that contains a number of listed structures (Grade 2) as well as the Grade 2\* Crosland Hall. This grouping is of outstanding character, and is a heritage asset of the highest significance. Accordingly any development which is adjacent to it, or its curtilage will impact upon its setting, and appropriate consideration for the setting and Historic England will be advised, and provide comments. (Indeed they have already raised concerns regarding the Emerging Local Plan allocation).
- 7.19 As stated earlier, the indicative layout shows an area of open space, along this boundary (which is intended to provide a buffer between Crosland Hill Road and the development). Notwithstanding any other issues, it is considered necessary that any application be accompanied by a full Heritage Impact Assessment, carried out in accordance with the guidance contained in part 10 of the National Planning Policy Framework "Conserving and enhancing the historic environment".
- 7.20 In addition to the Heritage Impact Assessment, the site falls within the area, and is of a scale, that requires assessment in terms of the Castle Hill Settings Study.

### **Landscape Issues**

- 7.21 The site is very extensive, and in a very prominent location within the wider landscape, in the Huddersfield area, with prominent features such as the crest along the northern boundary. The brown field area (ie factory) is central to this site, and well contained, and screened from most external aspects. This is considered to be a landscape area of high sensitivity. Any application will need to be accompanied by a full Landscape Visual Impact Assessment.
- 7.22 Landscaping on the periphery and throughout the site is an important part of the design/process contributing to a high quality design, in terms of layout and access to space, and the finished quality of the street scene, the sites edge of town location should be recognised by the provision of green/landscaped areas on the periphery of the development to soften the impact of the development on neighbouring green belt.
- 7.23 Given the scale of the proposal the Councils policy regarding the provision of public open space is relevant. POS up to the required standard should be included within the scheme (the indicative layout does achieve this standard), with a range of facilities being provided including natural play.

### **Drainage Issues**

- 7.24 The site is located Flood Zone 1 (ie the area least likely to flood). There does appear to be some localised areas within the site, with the propensity to “pool”, in heavy rain circumstances. Any application will need to be accompanied by a full Flood Risk Assessment and a Drainage Strategy, to ensure any potential surface water flood risk is minimised, and there will be no additional properties, outside of the site, affected.
- 7.25 For this, largely brownfield site, the provision of on-site attenuation and then discharge at a pre- development greenfield run off rate, would seem a viable drainage method. The use of SUDs systems should be investigate, as there are substantial areas of open space within and around the scheme. However over reliance on natural filtration on this site is not feasible.
- 7.26 Any scheme submitted would be subject to strict conditions, and any layouts should consider overland flow routes to minimise conflict with proposed dwellings during storm events. Also the use of permeable surfacing for parking areas should be considered.

### **Environmental Issues**

- 7.27 Large parts of the site were last used for firework production, and consultation with the HSE, was always a requirement for any panning proposals. The sites licence to deal with explosives, will need to be rescinded, but this is a procedural matter that will/ can be dealt with before the introduction of any new use onto the site be it employment or housing. Any application will be accompanied by both Phase 1 and 2 Contaminated Land Reports, together with appropriate Remediation to ensure that new development can be received.
- 7.28 Given the scale of the development, an Air Quality Assessment should be undertaken, in accordance with the West Yorkshire Low Emissions Strategy, to identify the level of harm that may be occur, together with appropriate mitigation. The provision of electric charging points through the scheme will also be required.

### **Bio-diversity issues**

- 7.29. Other than the factory area, the site contains fields and a significant number of trees and old former quarry. A Full Ecological Survey is required with any application, (including the existing buildings for bat roost potential), and also an Ecological Impact Assessment together with appropriate mitigation options.
- 7.30 Given the scale of the site, and the amount of green space in and surrounding it, this development should be viewed as an opportunity to significantly enhance the biodiversity on this site, in accordance with the guidance contained in part 11 of the National Planning Policy Framework “Conserving and enhancing the natural environment”.

## **8.0 Conclusion**

8.1 Members to not the contents of this report



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## Report of the Head of Strategic Investment

### HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 11-January 2018

Subject: Pre-application for reserved matter on previous planning 2016/92122  
John Smiths Stadium, Stadium Way, Huddersfield, HD1 6PG

### APPLICANT

Steve Morton

### DATE VALID

03-Oct-2017

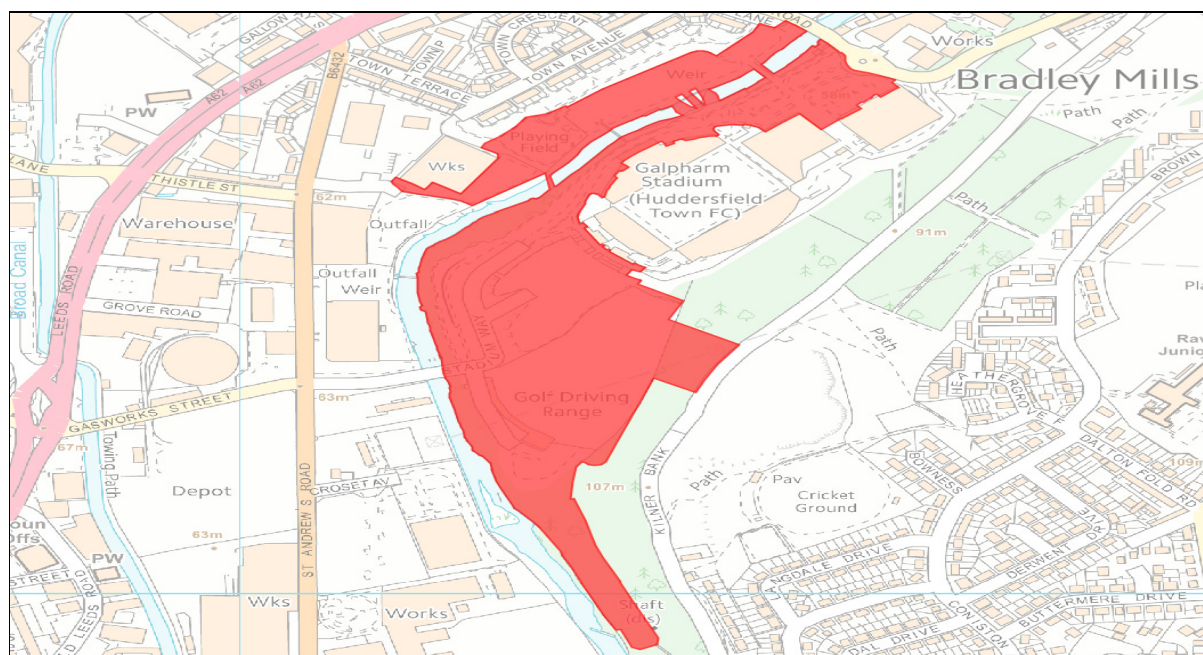
### TARGET DATE

30-Oct-2017

### EXTENSION EXPIRY DATE

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## LOCATION PLAN



Map not to scale – for identification purposes only

**RECOMMENDATION:** Members note the contents of this report for information

## **1.0 INTRODUCTION:**

1.1 This pre-application enquiry is brought to the Strategic Planning Committee to inform members of a potential reserved matters application for a multi-use leisure and entertainment development with ancillary facilities, plus hotel at John Smiths Stadium, Stadium Way, Huddersfield. This follows a recent grant of planning permission ref 2016/92122 to extend the time limit of previous outline application ref 2008/92864.

1.2 The application, once submitted, is likely to be brought to this committee later in the year for determination. Details of the proposal and the associated issues are summarised in this report.

## **2.0 SITE AND SURROUNDINGS**

2.1 The site lies within the River Colne valley to the east of Huddersfield town centre. It is located to the East and South of Leeds Road; there are two existing vehicular accesses to the site; to the north of the site, there is an access onto Bradley Mills Road via a roundabout, Bradley Mills Road joins Leeds Road just to the north west of the site at a traffic-controlled junction. To the south of the site, there is an access onto Stadium Way. This links to Gas Works Street (on the opposite site of St Andrews Road) and hence into Leeds Road to the west. The site is bounded by a residential estate to the north-west, commercial uses to the north, existing leisure uses to the east (cinema, stadium, health club) with an undeveloped tree-covered slope beyond; the line of the river to the south and west and beyond these, the commercial developments located on St Andres Road.

2.2 The site comprises an area of slightly over 11 hectares, existing uses comprise; surface car parking for the Stadium and existing leisure uses, a golf driving range and open, undeveloped areas. These open areas include a playing area near the existing housing to the north, a 'finger' of land extending to the south of the site which is overgrown and tree-covered areas mainly around the site boundaries (including a section of the slope to the east of the site).

2.3 In terms of topography, the site forms several, distinct areas:

- The area at the northern end of the site between the stadium and Bradley Mills Road (on both sides of the river) is basically level and at the same ground level as the stadium itself: around 58m AOD (the riverbank at this point is around 56m AOD).
- The bulk of the site to the south of the stadium forms a series of plateaux at between 69-72 AOD.
- The southern (narrowest part of the site) and eastern area slope up to the east, rising from around 62m AOD to between 104-109 AOD.

2.4 The site can be described as in part 'greenfield' but predominantly 'brownfield' (that is, previously developed, using the definition in NPPF Annex 2).

### **3.0 PROPOSAL**

3.1 This pre-application enquiry seeks comments on a future reserved matters application for a proposed multi-use leisure and entertainment development at the John Smiths Stadium. The applicant is seeking comments on the details of the layout and appearance of the scheme.

3.2 The masterplan has been amended from that indicatively proposed at outline stage. The key changes are the relocation of the hotel from the southern part of the site to the west of the river, together with the proposed erection of a multi-storey car park adjacent to the hotel; these two buildings replace previously proposed retail and leisure units. Residential development is no longer proposed as part of the scheme, and revisions have been made to the position of the leisure and retail units in the southern part of the site. The access road through the site will now follow a path adjacent to the River Colne, and the leisure, restaurant and retail units will be located on the upper plateau of the site, to the south of the stadium.

3.3 The revised masterplan proposes leisure and restaurant uses to the south of the stadium, to include a ski facility which will be the main focus of the leisure scheme. It is proposed the existing embankment to the east will be re-graded to create the required levels.

3.4 Due to the significant changes in levels the main leisure accommodation will be located at the upper plateau level where the car park currently sits. There will be a pedestrian route linking Stadium Way to the stadium, and the ski slope and the restaurant buildings will front onto a new public realm area.

3.5 The lower level is where the new access road will be located, together with a car park accommodating 293 car spaces, and a smaller car park of 71 spaces including space for 25 coaches on match days. A restaurant unit will be located on the lower level adjacent to the entrance to the site to create an active frontage.

3.6 To the north-west of the stadium it is proposed to erect a hotel and multi-storey car park with vehicular access from Bradley Mills Lane. The existing bridges will be retained; the pedestrian bridge to the south will be used as the primary access across the river from the car park. The vehicle bridge will be retained and restricted to pedestrian movement only.

3.7 It is proposed the development would be phased with Phase 1 comprising the proposed hotel and multi-storey car park to the west of the river, and Phase 2 comprising the remainder of the HD1 site.

### **4.0 CONSULTATION RESPONSES:**

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

**K.C Highway Services** – There are changes to the scheme from that envisaged at outline stage. Changes to the development mix, car parking provision and arrangement of uses thus altering the route of approach to the site all need to be assessed by a revised Transport Assessment and Framework Travel Plan.

**K.C Public Rights of Way** - The provision for public access is poor, particularly along the riverside corridor. The proposed link route between the hotel and ski- slope proposals is inadequate. Connectivity needs to be clearly identified. Construction including levels would need to be clarified at the appropriate stage.

**K.C Policy** – No comments, the quantum of development is as approved at outline stage.

**K.C Lead Local Flood Authority** – The site is located within Flood Zone 1 and 3. Additionally, the site has areas of surface water flood risk to a medium degree. Due consideration should be given for potential impacts. Attenuation is required on site with surface water discharge at Greenfield Runoff Rates, a higher rate for the impermeable area may be considered so long as justification can be made for why this rate is the highest feasible.

**K.C Ecologist** – No further comments. Appropriate conditions are included on the outline application.

**K.C Conservation & Design** - No objections in principle but care is needed on the materials, samples should be requested and perhaps made available for committee. Concern that the use of stone is dark in the interior of the site and no local stone is used to ground the development; ceramic stone on the outer should be replaced with local stone.

**K.C Landscape Architect** – More landscape detail and design required, with attention to green infrastructure. Thought should be given to high quality materials and design solutions with the inclusion of ambient and accent lighting where possible to create atmosphere but minimally disrupt wildlife.

**K.C Public Health** - The site is within a Kirklees ward which experiences higher rates of respiratory related hospital admissions and social isolation than other parts of Kirklees. The proposed site development provides an excellent opportunity for providing a good mix of entertainment and leisure facilities for the immediate/ local population and visitors to Kirklees. The proposal provides the opportunity to incorporate safe, active and attractive transport infrastructure.

**West Yorkshire Police Liaison Officer** – No further comments to add to the advice previously given by the Counter Terrorism Unit to the applicant

**K.C Environmental Services** – Concerns are as raised on the 2016/92122 outline planning consent. The multi-storey carpark and hotel present the most potential disturbance issues to existing residential properties. The following need to be considered as part of any future application: land contamination, coal mining risks, odour/noise emissions from plant, air quality impact assessment, provision of electric vehicle charging points, lighting assessment/plan, noise report.

## **5.0 MAIN ISSUES**

5.1 The principle of development has been previously established pursuant to outline application Ref 2008/92864, and a subsequent extension of time to the outline planning permission Ref 2016/92122.

5.2 The principle aim of the proposal is to create a new leisure destination. It is considered that the main issues which would need to be fully addressed by the applicant in any subsequent reserved matters application can be summarised as:

- Impact on visual amenity and landscape character
- Impact on residential amenity
- Impact on highway safety
- Flood risk and drainage issues
- Environmental issues (air quality, contamination, health and safety matters)
- Ecological Issues
- Section 106 Issues

### Impact on Visual Amenity and Landscape character

5.3 There are no objections in principle to the layout/design of the buildings, however care is needed with construction materials, and samples will be required to be made available for committee. There is concern some of the proposed cladding within the interior of the site is dark in colour and it would be preferable to lighten/break this up to ensure the resultant development has a vibrant character. The revised plans now show the use of natural stone on the outer edge of the buildings which successfully grounds the development into its surroundings.

5.4 More landscape detail will be required. In the 'village area' paving materials and paving design is required to be of high quality, preferably with natural stone. Street furniture should also be of high quality. Specimen tree planting / planting to help soften facades and create green corridors is required which should be possible without impacting on pedestrian circulation. There is the potential for innovative ambient lighting. In car park b and block b, specimen planting in and amongst parking bays would provide good quality green infrastructure and aid drainage. SUDS drainage system should be proposed, and planters / planting on a high level near the proposed junior slope. In coach parking area & block B specimen tree planting along the façade between the building and parking bays is required, with the height and spread of species to be suitable for planting in this area.

5.5 The hotel and multi storey car park is a concern because of the potential impact of the development upon the residential amenity of occupants of existing local housing, as a consequence of these proposed buildings being at such close proximity to existing dwellings and being so high. These buildings are located to the south of the nearest properties with potential for the residences to be in shade for most of the day. Green walls are recommended, particularly on the elevation facing Town Avenue, and buffer planting between the multi-storey and Town Avenue to mitigate the effect of the development with planting to be biodiverse and predominantly native planting. The revised plans show a vertical mesh to the lower decks proposed to support climbers.

#### Impact on Residential Amenity

5.6 The greatest concern is the impact of the scale and massing of the proposed multi-storey car park on residents of neighbouring residential properties off Town Avenue to the north-west of the site. Although revisions have been made to the internal layout to narrow the width of the building and move it further away from Town Avenue properties, concerns still remain that the scale and/or positioning of this building will need to be revised to avoid any detrimental overbearing impact. The multi-storey carpark and hotel present the most potential disturbance issues to existing residential properties at Town Avenue, through car headlights shining into properties, noise from cars on the access road/within the car park, security lighting in the vicinity, and plant/air systems at the hotel.

#### Impact on Highway Safety

5.7 Kirklees Highways Development Management (HDM) fully considered the highways and transport elements of the HD1 project at the 2008 outline stage. The principles of the access strategy, generation and assignment of development traffic, level of parking provision, access by non-car modes and impacts on off-site junctions were all considered at that time and, with appropriate mitigations and contributions, found to be acceptable.

5.8 Since that time, a number of related applications have been considered including the 2014 extension of time application, the 2016 hotel application, the 2016 snow slope application and the 2017 temporary Gas Works Street car park application. This has resulted in a number of relevant transport documents including:

- The HD1 Travel Plan (Revision H) dated November 2009;
- Revised HD1 Transport Assessment dated June 2016;
- Gas Works Street Temporary Car Park Transport Assessment dated September 2017.
- The HD1 Transport Assessment (Revision C) dated October 2009.

The details of the reserved matters are now emerging and these need to be in line with the principles established and agreed. Based on discussions with the applicant and reference to the pre-application documents, it is evident that there are changes to the scheme from that envisaged at outline stage. Changes to the development mix, car parking provision and arrangement of uses thus altering the route of approach to the site all need to be assessed by a revised Transport Assessment. A revised Framework Travel Plan will also be required.

5.9 The details for internal roads, new junctions, car park layouts and servicing arrangements all need to be supported by outline geometric design drawings, swept path analysis, sections and details of materials as part of the reserved matters.

5.10 Serving the site by sustainable modes, particularly public transport, was considered at length in the outline and now needs to be confirmed in the reserved matters including details of footpaths, cycle routes, location of bus stops and a demonstration that the proposals are technically feasible and deliverable.

5.11 The Public Rights of Way section note the provision for public access is poor, particularly along the riverside corridor. The proposed link route for the hotel and ski slope proposals appear inadequate for the purpose described "footpath/cycle" link, i.e. too narrow. Also, the connectivity to ongoing parts needs to be clearly identified. Construction including levels etc. would need to be clarified at the appropriate stage.

#### Flood Risk and Drainage Issues

5.12 The site is located within Flood Zone 1 and 3. Additionally, the site does appear to have areas of surface water flood risk to a medium degree. There may be pooling or a flow pathway meaning that due consideration should be given for potential impacts. The applicant should consider what measures may be required to protect properties from flows and be mindful not to increase the risk of flooding elsewhere. It is good practise to show flow routes in exceedance events up to the first flood that runs off the site.

5.13 The site is partially Greenfield and partially a current Stadium car park, with the road and parking infrastructure an impermeable area. Attenuation is required on site with surface water discharge at Greenfield Runoff Rates, a higher rate for the impermeable area may be considered so long as justification can be made for why this rate is the highest feasible. The large development area and value available from good quality, multifunctional open space should mean a greenfield discharge rate is easily achievable providing drainage is given sufficient consideration at an early stage. Given the proximity of the site to the River Colne it is considered that the most suitable discharge point for surface water from the site is this watercourse, albeit at a reduced rate.

## Environmental Issues

5.14 The Kirklees public health section note the site is within a ward which experiences higher rates of respiratory related hospital admissions and social isolation. It is considered the proposed development would provide an excellent opportunity for providing a mix of entertainment and leisure facilities for the immediate/ local population and visitors to Kirklees. The proposal provides the opportunity to incorporate safe, active and attractive transport infrastructure (including green infrastructure suited to urban space) for all travel modes including pedestrians, cyclists, public transport and those with mobility/ visual impairment issues. The developer will need to consider how the proposal can support and increase and enhance access for all users, and incorporate safe and secure cycle / vehicular parking facilities. Signage with information detailing cycling and walking travel times/ distances to other amenities in and around the site should be promoted to create a sense of a co-ordinated travel network. There are opportunities for integrating existing cycling and walking routes by providing new connecting links. Traffic calming measures should be incorporated to support walking and cycling and reduce vehicle use.

5.15 The following issues need to be addressed/considered as part of any future application:

- Land Contamination
- Coal Mining Risks and other health and safety matters
- Odour/noise emissions from plant associated (including A3 uses)
- Full Air Quality Impact Assessment
- Proposals for Electric Vehicle Charging Points (10% of all car parking spaces)
- Lighting assessment/plan to ensure no excessive glare or overspill to affect existing residential properties (security, floodlighting and ski slope lighting).
- Noise report (in addition to issues already mentioned) to address how the development will impact on nearby residential properties and mitigation as appropriate.

## Ecological Issues

5.16 A number of conditions were included on the outline application to secure suitable mitigation and enhancement. These include the submission of a landscape and ecological management plan, a construction environmental management plan, a lighting design strategy for biodiversity, and for appropriate updated surveys information dependent on the phasing of the development. In addition to the measures secured through the conditions, there is a requirement to compensate for the loss of an area of the Kirklees Wildlife Habitat Network at Kilner bank, which will be lost in order to construct the ski slope. Off-site habitat creation will be required, to be secured through the planning obligation.



### Section 106 Issues

The Section 106 on the outline application secured Public Transport and Travel Plan funding (to provide and run a shuttle bus service between key town centre locations and the site should there be no take-up to re-route the existing commercial service along Leeds Road), local highway works in the Kirklees Strategic Economic Zone, works to the St Andrews Road Junction with Wakefield Road, and works to Gas Works Street/Thistle Street. The S106 also secured off-site management for the neighbouring heathland, the provision of a crush footpath and a gate. The requirement for any additional contributions or mitigation measures would be assessed as part of a future reserved matters application.

### **Recommendation**

6.1 That members note the contents of this report for information.

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**Report of the Head of Strategic Investment**

**HUDDERSFIELD PLANNING SUB-COMMITTEE**

**Date: 11-January 2018**

**Subject: Pre-application for mixed use residential and commercial development**

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

**APPLICANT**

Roger Lee

**DATE VALID**

08-Nov-2017

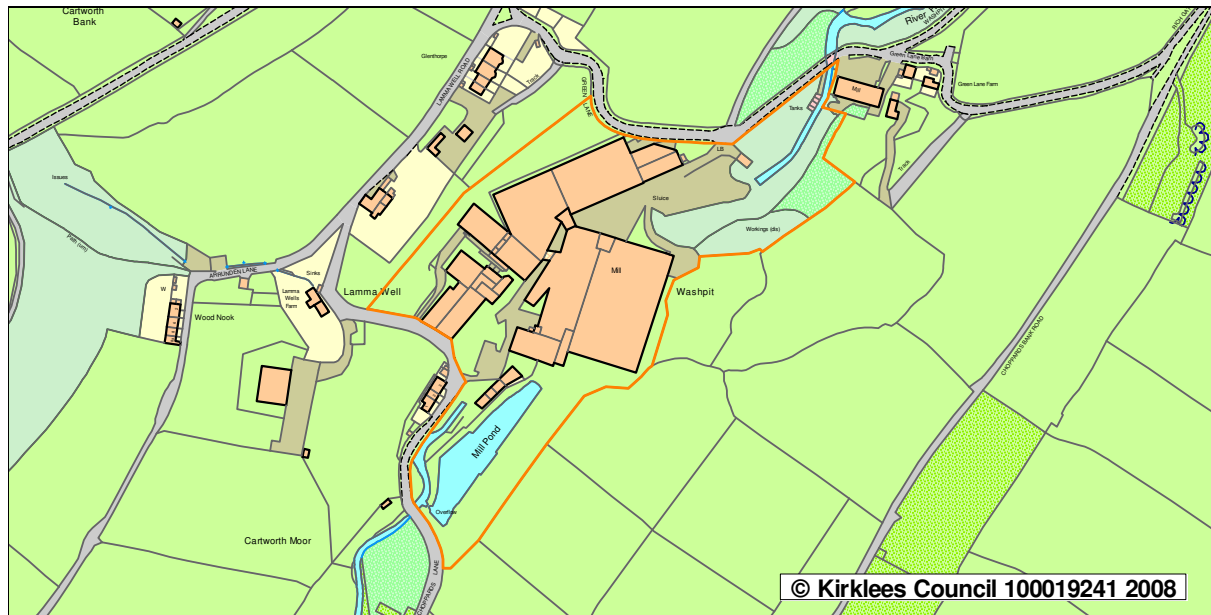
**TARGET DATE**

05-Dec-2017

**EXTENSION EXPIRY DATE**

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**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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**1.0 INTRODUCTION:**

- 1.1 This pre-application enquiry is brought to the Strategic Planning Committee to provide members with an update with regards to the potential redevelopment of the Washpit Mills site in Holmfirth.
- 1.2 An application for the mixed use redevelopment of the site was refused by the Planning Inspectorate in September this year following an appeal against the non-determination of planning application 2016/93428.
- 1.3 The original application was for the part demolition of existing mills and erection of 45 dwellings and 16 apartments; Re-use of existing mill building and alterations to form workshop, car storage, restaurant, function suite and ancillary office space and formation of car park; Conversion of mills to hotel and offices.
- 1.4 The planning application had been brought before the Strategic Planning Committee in April 2017 to obtain a resolution from the committee as to what decision it would have made had the determination of the application remained within its remit. The committee resolved that it would have refused the application on the following grounds:

*Connections between the application site and the nearest settlement of Holmfirth are considered to be extremely limited for pedestrians and users of public transport. Improvements in these connections is considered to be essential for ensuring the development is sustainable for the life time of the development so that occupants of the proposed residential units and employees and visitors of the non-residential elements of the development are not isolated from facilities and services of Holmfirth or over dependent upon motor vehicles. The mitigation measures proposed by the applicant amount to highway improvements on Green Lane/Washpit New Road. Such measures are considered to be insufficient and fail to improve the connectivity of the site and the development proposed therefore failing to comply with policies T16 and BE1 of the Kirklees UDP and section 4 (Promoting Sustainable Transport) of the National Planning Policy Framework.*

- 1.5 The applicant has subsequently submitted a pre-application enquiry for a revised scheme on the site. This enquiry has been subject to discussions between the applicant, officers and ward members including a meeting between all these parties on 7<sup>th</sup> December 2017. As a result of these discussions the pre-application scheme was amended and a revised site plan submitted.
- 1.6 The applicant has now lodged a planning application with the council. The proposal reflects the amended pre-application proposal. The application is currently awaiting validation.

## **2.0 SITE DESCRIPTION**

- 2.1 The site comprises of approximately 3.5 hectares of land located within the cleft of a steep sided valley with significant changes in levels across the site.
- 2.2 The site is a former textile mill which ceased operating in December 2015 and comprises a range of buildings and hardstanding areas. There is a mixture of building styles and scales on the site, including a grade II listed building, stone mill buildings and warehouse type buildings.
- 2.3 There is a culverted section of the River Ribble running through the site, a mill pond in the south west part of the site and an area of trees to the north east.
- 2.4 The site is bounded to the north by Green Lane which links to Washpit New Road. To the south is Choppards Lane. To the south east are fields which slope up the valley side to Choppards Bank Road. To the northwest are a variety of properties along Lamma Well Road with sloping fields beyond
- 2.5 The site lies within the Green Belt.

## **2.0 PROPOSAL:**

- 3.1 The initial pre-application proposal was for 77 residential units comprising 49 houses and 28 apartments and the re-use of an existing industrial building for car storage and workshop with ancillary café, retail and office space. This proposal differed from the original planning application in that the amount of residential development had been increased from 61 units (comprising 45 houses and 16 apartments) to 77 units; a 23 bed hotel within the listed building was no longer part of the scheme and was to be converted to 16 apartments instead and; an existing mill building was to be converted into 4 townhouses instead of offices. The proposal also did not include a function room and restaurant (as per the proposal considered at the appeal hearing).
- 3.2 Following the meeting with the applicant, officers and ward members on 7<sup>th</sup> December the pre-application scheme was amended in response to concerns raised by ward members in terms of the quantum of residential development. The main concern was that the revised scheme represented an increase on the amount of residential development under the refused development and it was therefore considered that the proposal would still have a detrimental impact on the local highway network and could not therefore address the Planning Inspector's concerns in this regard.

- 3.3 The amended pre-application enquiry has removed all of the apartments (28 no.). One of the mill buildings is to be demolished and two dwellings erected in its place. This means that the total number of residential units is now 51.
- 3.4 In terms of the listed building it is proposed that this would become a private gym for use by residents of the Washpit Mills site only.
- 3.5 The recently submitted planning application reflects the scheme as proposed within the amended pre-application enquiry.

#### **4.0 CONSULTATION RESPONSES:**

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

**KC Highways** – Initial comments provided regarding the scope of the proposed Transport Assessment. Detailed comments would be made upon receiving and assessing a Transport Assessment.

**Public Health** – Recommend that the developer submits a Rapid Health Impact Assessment with a future application.

**KC Conservation & Design** – The pre-application scheme involves the loss of an additional building in comparison to the original planning application. The loss of this building will require Listed Building Consent and would be subject to consultation with Historic England and the amenity societies. The complete loss of this building is considered to represent substantial harm as defined by the NPPF and so its loss must be wholly exceptional or substantial public benefits afforded. There are tests to be complied with under paragraph 133 of the NPPF.

In terms of the change of use of the principal listed building into a private gymnasium no objections are raised.

**Ward Members (Cllr Patrick and Cllr Sims)** – Not against the redevelopment of the site but initial concerns raised with the quantum of residential development.

#### **5.0 MAIN ISSUES:**

- 5.1 In this instance it is considered that the main issues which would need to be fully addressed by the applicant in any subsequent planning application principally relate to those matters identified by the Planning Inspector in his decision. These are:

- the effect of the proposal on the safe and efficient operation of the highway;

- the availability of alternative modes of transport; and
- whether the proposal would preserve a Grade II listed building, Washpit Mill, and any of the features of special architectural or historic interest that it possesses.

### **The effect of the proposal on the safe and efficient operation of the highway**

- 5.2 The Inspector held that, notwithstanding the established industrial use of the site, there would be an increase in traffic movements on Washpit New Road (which was generally accepted as the main route to the site) with resultant impacts on the wider road network. There was uncertainty as to the degree to which this increase in movement would lead to a severe, cumulative impact on the wider road network because there had been no direct quantification of the effect of the predicted movements on existing road conditions at key locations where congestion occurs.
- 5.3 The proposals represent ten fewer residential units than that proposed within the original planning application. The residential development is now also exclusively houses (2-5 bed properties) and does not include any apartments.
- 5.5 The listed building would be used as a private gymnasium available to the residents of the Washpit Mills site only. This would not therefore generate any additional vehicular trips.
- 5.6 The Carding Shed business is proposed as a workshop, car storage, and associated ancillary facilities including café, shop and office space. Officers have been advised that the proposal represents a reduced scale of development in comparison to the Carding Shed's existing premises at Dobroyd Mills in Hepworth.
- 5.7 The overall size of the proposed café is slightly less than the size of the restaurant proposed within the original planning application although the floor space of the customer area is around a third larger. The proposal does not however include a function suite or a separate bar area as was proposed within the original application. It is to be noted that at the appeal the restaurant and function suite were omitted from the scheme and so these elements would not have been taken into account by the Inspector when considering traffic movements.
- 5.8 A robust Transport Assessment which reflects predicted traffic movements and their impact on the wider road network (particularly at key junctions) will be necessary in order to support the new application. Discussions have already been held with Highways and consultation carried out with ward members to identify the key junctions which will need to be assessed. These include the main junction with Dunford Road, junctions within Holmfirth centre and junctions that would be used by future residents travelling to local primary schools.

- 5.9 The proposals represent a less intensive form of development in comparison to the original planning application and officers are satisfied that a revised Transport Assessment should provide much greater certainty as to the degree to which vehicle trips associated with the development would impact on the wider road network. Subject to the assessment of a revised Transport Assessment it may be necessary for the developer to provide mitigation measures on the wider highway network.

### **Sustainable travel**

- 5.10 The appeal decision identifies limitations with the connectivity of the site for pedestrians and access to public transport links. The decision also raised issues with a proposed scheme intended to improve access along Washpit New Road that involved extending the metalled surface into the soft verges and creating a continuous white line on one side to provide a defined pedestrian area with the capacity for overrun by larger passing vehicles. The Inspector considered that the absence of any physical structure, such as a kerbstone, to stop vehicles crossing into the pedestrian zone would pose a disincentive to its widespread use. It is to be noted as well that the applicant was only providing a financial contribution (of £50,000) towards such works and the council's position was that it was unable to determine the adequacy of this contribution because there was not a detailed design that was able to be fully costed.
- 5.11 A future application will need to better address the limitations of the site's connectivity for pedestrians as identified within the appeal decision.
- 5.12 The pre-application enquiry is accompanied by a plan which shows a footway along the full length of Washpit New Road from the site entrance up to Dunford Road. The footway is located on the southern flank of the highway and varies in width; the footway is either 900mm wide or 1200mm wide depending on the width of the road. The plan also identifies two areas along Washpit New Road where the road width is sufficient to allow two HGV vehicles to pass one another whilst also accommodating the proposed footway.
- 5.13 It is considered that the footway achieves the minimum acceptable width and would help to provide a safe route to Dunford Road and the nearest bus stop. Its location on the southern flank of the road would minimise disruption to existing drainage systems.
- 5.14 The applicant would need to provide a detailed design in order for these works to be fully costed and thereby establish the contribution that would be required.



- 5.15 Under the original planning application the Council's PROW section recommended that the developer provided a financial contribution towards improvement of the local PROW network in order to enhance non-motorised transport connections towards Holmfirth and the wider locality. Such improvements would also enhance access to the countryside by future residents for recreation purposes. Improvements could include surfacing and drainage for example. These comments are relevant to the revised proposals.

### **Listed building**

- 5.16 It was previously considered that a hotel represented a viable use for the listed building. A new use is now proposed in the form of a private gym. This is considered to be a less viable use because it would not generate a significant income, especially in comparison to a 23 bed hotel. The proposed use would nevertheless help to ensure that the building is maintained whilst responding to local concerns in terms of highway impacts. The proposal falls short of the optimum viable use for the building but on balance it is an acceptable use that would help to sustain the building's significance in the future.
- 5.17 The scheme involves further demolition of the listed mill complex because a stone mill building that was to be converted is now proposed to be demolished and replaced with two dwellings. The applicant will need to justify the loss of this heritage asset in the context of paragraph 133 of the NPPF.

## **6.0 RECOMMENDATION:**

- 6.1 That members note the contents of this report for information.

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