

Public Document Pack



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

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Wednesday 31 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 8 February 2018**.

(A coach will depart the Town Hall, at 10.00am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in the Council Chamber.)

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

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

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

Julie Muscroft

Service Director – Legal, Governance and Commissioning

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

The Strategic Planning Committee members are:-

Member

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

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

Substitutes Panel

Conservative

D Bellamy
N Patrick
G Wilson
J Taylor

Green

K Allison
A Cooper

Independent

C Greaves
T Lyons

Labour

E Firth
C Scott
M Sokhal
S Ullah
S Pandor

Liberal Democrat

J Lawson
A Marchington
L Wilkinson

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Committee

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

2: Minutes of the Previous Meeting

1 - 4

To approve the Minutes of the meeting of the Committee held on 11 January 2018.

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.

4: Admission of the Public

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

5: Deputations & Petitions

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

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

6: Public Question Time

The Committee will hear any questions from the general public.

7: Site Visit - Application No: 2017/94080

Erection of precast concrete production unit, demolition of existing casting shed and ancillary buildings, associated site works to modify external storage areas and installation of gantry cranes at C R Longley And Co Ltd, Ravensthorpe Road, Thornhill Lees, Dewsbury.

(Estimated time of arrival at site – 10.30am)

Contact Officer: Steve Hopwood, Planning Services

Wards Affected: Dewsbury South

8: Site Visit - Application No: 2017/93488

Outline permission for erection of 96 dwellings and planning permission for infill of land at Walkey Terrace and Brunswick Street, Heckmondwike.

(Estimated time of arrival at site – 11.15am)

Contact Officer: Glenn Wakefield

Wards Affected: Heckmondwike

Planning Applications

7 - 10

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 5th February 2018.

To pre-register, please contact andrea.woodside@kirklees.gov.uk or phone Andrea Woodside on 01484 221000 (Extension 74993)

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

- 9: Planning Application - Application No: 2017/90955** 11 - 26
- Outline application for residential development with details of layout and access only land at Forest Road, Dalton, Huddersfield.
- Contact Officer: Farzana Tabasum, Planning Services
- Wards Affected:** Almondbury
-
- 10: Planning Application - Application No: 2017/93488** 27 - 46
- Outline permission for erection of 96 dwellings and planning permission for infill of land at Walkey Terrace and Brunswick Street, Heckmondwike.
- Contact Officer: Glenn Wakefield, Planning Services
- Wards Affected:** Heckmondwike
-
- 11: Planning Application - Application No: 2017/94080** 47 - 56
- Erection of precast concrete production unit, demolition of existing casting shed and ancillary buildings, associated site works to modify external storage areas and installation of gantry cranes at C R Longley And Co Ltd, Ravensthorpe Road, Thornhill Lees, Dewsbury.
- Contact Officer: Steve Hopwood, Planning Services
- Wards Affected:** Dewsbury South
-
- 12: Planning Application - Application No: 2017/93053** 57 - 78
- Reserved matters application pursuant to outline permission 2014/93248 for erection of residential development (48 dwellings) at land off, Stoney Bank Lane, Thongsbridge, Holmfirth.
- Contact Officer: Matthew Woodward, Planning Services
- Wards Affected:** Holme Valley South
-

13: Planning Application - Application No: 2017/93609 79 - 98

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, Planning Services

Wards Affected: Holme Valley South

14: Planning Application - Application No: 2017/93449 99 - 104

Erection of detached dwelling and stable and demolition of existing dwelling at 675/677, Wyke Lane, Oakenshaw

Contact Officer: Emma Thompson, Planning Services

Wards Affected: Cleckheaton

15: Planning Application - Application No: 2016/92298 105 - 132

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

Contact Officer: Farzana Tabasum, Planning Services

Wards Affected: Cleckheaton

16: 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.

17: Planning Application - Application No: 2016/92298

(Private Appendix to be submitted in relation to the Application to be considered at Agenda Item 15)

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.

Contact Officer: Farzana Tabasum, Planning Service

Wards Affected: Cleckheaton

Planning Update

133 -
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The update report on applications under consideration will be added to the web agenda prior to the meeting.

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Contact Officer: Richard Dunne

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 11th January 2018

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 21 December 2017 were approved as a correct record.

3 Interests and Lobbying

Councillor D Firth declared an 'other interest' in applications 2017/93503 and 2017/93609 on the grounds that he was a member of Holme Valley Parish Council.

4 Admission of the Public

It was noted that Agenda items 16 and 17 would be considered in private session.

5 Deputations/Petitions

No deputations or petitions were received.

6 Public Question Time

The Committee received a question from Cllr Nigel Patrick on the process that was followed for consulting with Yorkshire Water on planning applications. The Development Management Group Leader responded on behalf of the Committee to the question.

7 Site Visit - Pre-Application No: 2017/20381

Site visit undertaken.

8 Site Visit - Application No: 2017/90620

Site visit undertaken.

9 Site Visit - Application No: 2017/93609

Site visit undertaken.

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

Site visit undertaken.

11 Local Planning Authority Appeals

That the report be noted.

12 Planning Application - Application No: 2017/90620

The Sub Committee gave consideration to 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.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Nick Willock (agent) and Mike Haigh (commercial agent).

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

RESOLVED – That consideration of the application be deferred to allow officers to obtain further information on issues relating to: Transportation; Affordable Housing & Vacant Building Credit; Public Open Space; Employment uses; Flood mitigation; and Drainage and Sewerage.

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

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

Against: Councillor Pattison (1 vote)

13 Planning Application - Application No: 2017/93053

The Sub Committee gave consideration to 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.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Nick Willock (on behalf of local residents), Susan Drake, a statement read out on behalf of Graeme Bird (local resident) by Nick Willock and Keith Overson (all of whom objected to the plans) and Laura Holland (agent).

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

RESOLVED – That consideration of the application be deferred to allow an opportunity for officers to negotiate with the applicants on the use of natural stone for all the dwellings on the site.

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

Strategic Planning Committee - 11 January 2018

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

Against: (0 votes)

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

The Sub Committee gave consideration to 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.

RESOLVED – That consideration of the application be deferred to allow an opportunity for officers to negotiate with the applicants on the use of natural stone for all the dwellings on the site.

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)

15 **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 items 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.

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

The information was considered prior to the determination of Agenda Item 13.

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

The information was considered prior to the determination of Agenda Item 14.

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

The Committee received a pre-application report and presentation in respect of the demolition of existing building and erection of 695 dwellings Black Cat Fireworks Ltd, Standard Drive, Crosland Hill, Huddersfield.

RESOLVED – That the pre-application report and presentation be received and noted.

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

The Committee received a pre-application report and presentation in respect of the reserved matter on previous planning 2016/92122 John Smiths Stadium, Stadium Way, Huddersfield.

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

RESOLVED – That the pre-application report and presentation be received and noted.

20 Pre-Application No: 2017/20424

The Committee received a pre-application report in respect of a revised scheme for mixed use residential and commercial development Washpit Mills, Choppards Lane, Cartworth Moor, Holmfirth.

RESOLVED – That the pre-application report be received and noted.

KIRKLEES COUNCIL
DECLARATION OF INTERESTS AND LOBBYING
Strategic Planning Committee

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

LOBBYING

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

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

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

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

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

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

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

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

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

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

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

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

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

Lobbying

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

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 27th March 2012, the Planning Practice Guidance Suite (PPGS) launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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

REPRESENTATIONS

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

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

EQUALITY ISSUES

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

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

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

HUMAN RIGHTS

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

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

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

PLANNING CONDITIONS AND OBLIGATIONS

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

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

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

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

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

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

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Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 08-Feb-2018

Subject: Planning Application 2017/90955 Outline application for residential development with details of layout and access only Land at, Forest Road, Dalton, Huddersfield, HD5 8EU

APPLICANT

Diocese of Leeds

DATE VALID

16-Mar-2017

TARGET DATE

11-May-2017

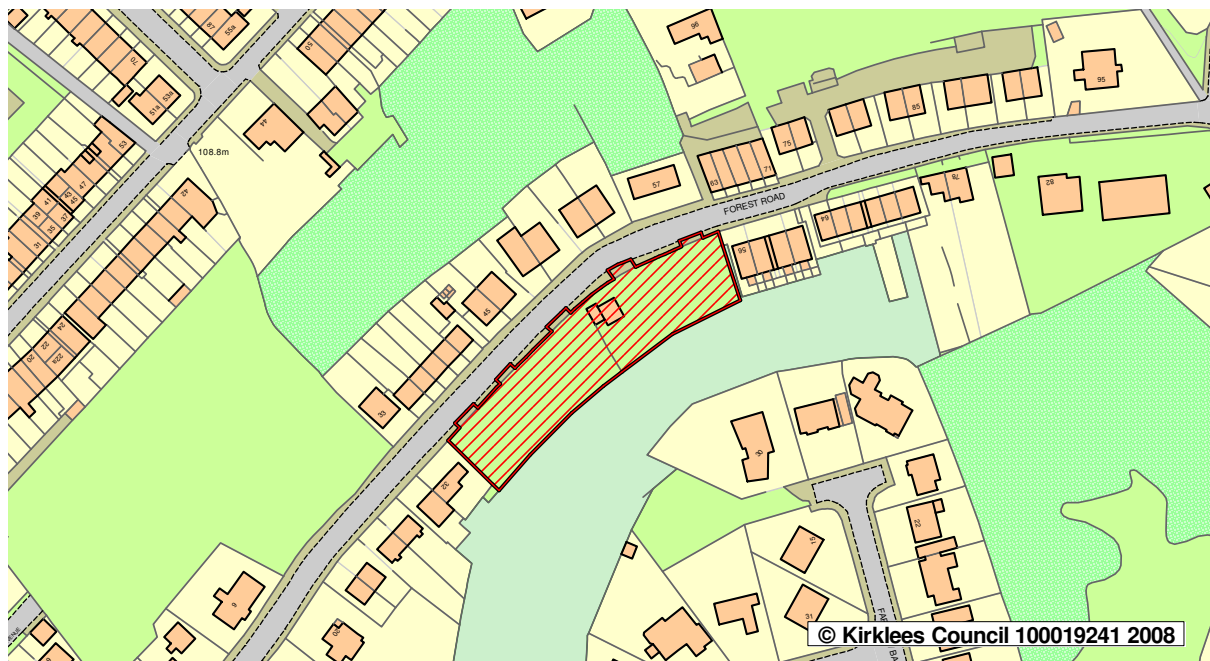
EXTENSION EXPIRY DATE

09-Feb-2018

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Almondbury

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION:

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

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

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

1.0 INTRODUCTION:

- 1.1 The application is brought to Committee following deferral on 5th October 2017. Members raised issues relating to the accuracy of the levels shown on the submitted 'anticipated' section drawings and sought for further clarity on siting of retaining structures/walls along with requiring accurate existing and proposed site level details to make an informed decision. This report sets out a response to these issues within paragraph nos. 3.3, 7.1, 10.16, 10.24, 10.25 and 10.26.

2.0 SITE AND SURROUNDINGS:

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

3.0 PROPOSAL:

3.1 The application is submitted in outline seeking the principle of development for nine dwellings with details of layout and access to be considered at this stage. Appearance, scale and landscape are matters reserved for later consideration.

3.2 The proposed layout indicates four pairs of semis and one detached dwelling. Five vehicular access points are to be provided onto Forest Road. Whilst scale and appearance is a reserved matter the submitted details include a floor plan specifying the dwellings to be three storey with an integral garage for each dwelling.

3.3 Amended and revised detailed plans have been received following deferral of the application which includes details of:

- Siting of proposed retaining wall/s within the application site,
- details of gabion retaining wall/structures,
- accurate existing (topographical survey) and proposed finished ground levels throughout the site, and
- sections through the site from Forest Road through to the southern boundary

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 None relevant

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

5.1 Officers initially raised concerns relating to the principle of residential development on an area of Urban Green Space for residential development as it would conflict with Policy D3 of the UDP and advice in the NPPF. In light of this, the applicant has made further submissions and offer of a community benefit in the form of five affordable housing units. The principle issue to determine is whether the offer of additional affordable housing, also at a time when the Council is unable to demonstrate a 5 year housing land supply outweighs the loss of this part from the wider area of Urban Greenspace.

5.2 Revised tree survey - received 06/07/17
Revised planning statement - received 01/09/17
Revised design & access statement – received 01/09/17
Agreement to amend description & extension of time
Amended plans and accurate site level details – 03/01/18

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies

proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

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

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

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

Kirklees Publication Draft Local Plan (PDLP):

PLP1 – Presumption in favour of sustainable development
PLP 2 – Place Shaping
PLP 21 – Highway Safety and Access
PLP 22 – Parking
PLP 24 – Design
PLP 30 – Biodiversity & Geodiversity
PLP33 – Trees
PLP 53- Contaminated and unstable land
PLP61 – Urban Greenspace

National Planning Guidance:

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

Other Documents:

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

Kirklees Open Space Study 2015 (revised)

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The revised plans have been advertised with a further round of publicity with the expiry date of 31st January 2018. To date no further representations are received. Any received subsequent to writing this report shall be considered and reported in the update or on the day of committee.

The following is a summary of the three representations received previously from local residents:

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

None planning matters

- Loss of view

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

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C Highways Development Management – support subject to conditions

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

8.2 Non-statutory:

K.C Environmental Services – support subject to conditions

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

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

K.C Strategic Drainage – support subject to condition

9.0 MAIN ISSUES

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

10.0 APPRAISAL

10.1 **Principle of development & planning balance:**

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

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

10.3 Policy D3 sets out at part (i) that on Urban Greenspace sites planning permission will not be granted unless the development is necessary for the continuation and enhancement of the established uses or is a change of use to alternative open land uses, or would result in a specific community benefit (whilst protecting visual amenity, wildlife value and opportunities for sport and recreation). Or, as in part (ii), it includes an alternative provision of Urban Greenspace equivalent in both quantitative and qualitative terms to that which would be developed.

10.4 The community benefit element of the policy is not considered to be consistent with the considerations of the National Planning Policy Framework, particularly paragraph 74. However, the majority of the policy is in accordance with the National Planning Policy Framework. As such Policy D3 should be afforded significant weight as it is not out of date for the purpose of paragraph 49 of the NPPF which sets out:

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

10.5 The NPPF identifies the dimensions of sustainable development as economic, social and environmental roles. These roles are highlighted as being mutually dependant and not to be taken in isolation. It is recognised that there are economic, environmental and social benefits to developing this site and as such the development is sustainable having regard to the NPPF. However, the loss of this part of the wider area of UGS is an important factor to be weighed against this taking into account the Council’s current position on housing supply of

being unable to demonstrate a 5 year supply of land for housing. Officers have highlighted these in the planning balance below.

Planning Balance:

- 10.6 The proposals are for residential development where no alternative provision of greenspace is included within the scheme. The proposals would not be a continuation, enhancement of established uses nor an alternative open land use and would not provide any opportunities for sport and recreation. With regards to visual amenity and wildlife value, the application site although forming an integral part of the larger area of UGS, due to the topography and the obvious physical separation from the wider area of UGS, it is reasoned that it is viewed separately from the larger area of UGS but more importantly due to its current condition officers are of the opinion it holds limited amenity and wildlife/ecological value.
- 10.7 The applicant states in the supporting statement that the Council cannot currently demonstrate a five year housing land supply and this should weigh in favour of the submitted proposals. The applicant also states the site can be removed from the UGS without harming the overall function of the greenspace and contends that little weight can be given to the allocation of the application site in the context of the NPPF. A number of planning references are quoted by the applicant where the applicant claims permission for residential development has been granted by the Council on other UGS sites for residential development due to the lack of a five year housing land supply.
- 10.8 Undeniably, the Council has historically on occasions approved developments on UGS sites where it has been demonstrated that the loss of the UGS is outweighed by the benefits of a specific replacement community scheme. Furthermore, and more recently an appeal decision at land Off White Lee Road Batley (15/92944) was dismissed on UGS where the Inspector concluded amongst other matters that Policy D3 is not out of date for the purposes of paragraph 49 of the NPPF. Importantly the Inspector's opinion was that Policy D3 allows flexibility of the decision maker to consider the merits of a case particularly if community benefits are deemed to exist.
- 10.9 The scheme will deliver nine new dwellings at a time of general housing need when the Council does not have a 5 year supply of deliverable housing sites. This is not an accepted justification to permit such development on an area of UGS, nor does this set a precedent for the development on areas of UGS. The proposals are for nine open market dwellings which falls below the threshold for seeking any planning gains, however the applicant has put forward an offer of 5 affordable units as a community benefit to accord with Policy D3 (i).
- 10.10 The Strategic Housing Market Assessment identifies a clear need for affordable 1- 2 bedroom homes and a greater need for affordable 3+ bedroom properties and affordable 1-2 bedroom homes for older people, specifically in the area of Huddersfield south.
- 10.11 Reflecting on paragraph 14 of the NPPF, development should be granted unless any adverse impacts significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF. Provided there are no significant and demonstrable adverse impacts that can be evidenced and substantiated and which outweigh the benefits when assessed against the policies in the framework taken as a whole, the principle of developing this site can be considered to be acceptable.

- 10.12 The site is sustainably located being close to a number of local services and facilities and could provide local construction, employment opportunities. Officers are of the opinion due to the current low amenity value of the site, which has been recently assessed as low value open space in the KOSS together with the fact there is sufficient open space without the application site in the area, the proposals would bring social, economic and environmental benefits. Furthermore, in view of the identified affordable housing need in the area Officers advised the applicant in order for a specific community benefit to be accepted, the offer would need to be increased. Consequently the applicant has agreed to offer five of the proposed (3 bedroomed) dwellings as affordable housing alongside enhancing biodiversity interests (bat/bird boxes) and landscape enhancements with a range of native trees and shrub planting within the site.
- 10.13 The principle of developing this part of the UGS together with the community benefits put forward is considered would outweigh the harm caused by the loss of this low valued part of the wider UGS in an area where there is currently sufficient provision of natural and semi natural greenspace, in accordance with Policy D3 of the UDP. Should Members be minded to accept Officers recommendation, given layout is now a matter for consideration, it is considered appropriate and reasonable to seek the offer of community benefit of five (3 bedroom) dwellings through a formal S106. The applicant/agent is agreeable to this.
- 10.14 **Urban Design issues:**
Proposals for new development should respect the architectural qualities of surrounding development and their materials of construction with particular regard also given to local identity and the topography of the site and surroundings to conserve and enhance the natural environment, in accordance with section 11 of the NPPF.
- 10.15 Also of relevance is UDP Policies are BE1 and BE2 state that the layout of buildings should respect any traditional character the area may have. Infill development must respect the scale, height and design of adjoining buildings and be in keeping with the predominant character of the area. The characteristic and appearance of the area, the proposed layout represents a row of dwellings which would be in keeping with the urban pattern of development on both sides of the road. This would preserve the visual amenity of the street scene and in the opinion of officers not cause harm to the character or appearance of the surrounding area.
- 10.16 Given the sloping nature of the site, extensive engineering operations would be required to accommodate the proposed nine dwellings together with the requirement of retaining structures internally within the site. Following deferral of the application in October, the revised layout and section drawings now demonstrates how the site would be developed to incorporate retaining walls to support the dwellings, level driveway areas within the site and gabion structures along the southern boundary. Whilst scale is a reserved matter the sections indicate the dwellings to be three storey high to the front and two to the rear. The sections and proposed block plans demonstrate the existing retaining wall along the road frontage to be retained except where the proposed driveways are shown to serve the new dwellings and new retaining walls internally to the proposed driveways. The proposals would also include a section of new retaining wall in the north east corner, adjoin the site of no. 56 Forest Road.

The submitted plans indicate from the rear wall of the dwellings, approximately 2m deep patio areas with 3m high gabion structures to run along on the edge of the proposed patio areas, across the full length of the site and would retain land which rises steeply up towards the southern boundary.

- 10.17 This arrangement is not too dissimilar from the properties to the north east where limited amenity area is available to the rear of properties. In visual amenity terms, the layout is considered to follow the urban grain and general pattern of development along this side of the road. All plots are shown to provide off road parking with enclosed garden areas. Provision for waste bins would also need to be provided for each plot and can be conditioned. Officers are of the opinion that, the principle of developing this site for residential development based on the layout submitted is acceptable. However, landscape, scale and appearance of the development needs careful consideration on any subsequent applications, to ensure the proposals do not appear out of context and appear in keeping with the scale of the surrounding development.
- 10.18 The gabion structures would be mainly hidden from the street view by the proposed dwellings. In relation to the retaining walls to the proposed driveways, it is considered appropriate to impose a condition to agree the details (facing materials & height) in the interests of visual amenity.
- 10.19 As the application is only seeking the principle of developing this site with details of layout and access only, appearance details would need to form part of any subsequent reserved matters application. It is noted the surrounding area consists of dwellings faced in render, stone and brick with no one prevailing facing material in the area. Nonetheless, the dwellings on this site would occupy a predominant location on the street and would be viewed from long distant views from the north. The dwellings would be seen against the backdrop of the woodland to the rear and more importantly the existing dwellings to the east and west which are faced in stone and render. Careful consideration should be given on the external facing materials on any subsequent applications.
- 10.20 Particular regard would also need to be given to the advice of the Ecology Officer (discussed below) where the provision of native tree/ shrub species should form part of the landscape proposals. Notwithstanding this Officers are of the opinion that a development on this site can be achieved without harm to visual amenity in accordance with policy PLP 24 of the publication draft Local Plan and UDP Policies BE1 and BE2 as well as guidance in the NPPF.
- 10.21 **Residential Amenity**
Policy BE12 of the UDP sets out the recommended minimum distances between habitable and non-habitable room windows for new dwellings. New dwellings should be designed to provide privacy and open space for their occupants and physical separation from adjacent property and land. Distances less than those specified will be acceptable if it can be shown that by reason of permanent screening, changes in level or innovative design no detriment would be caused to existing or future occupiers of the dwellings or to any adjacent premises.
- 10.22 Whilst scale and appearance are reserved matters, habitable openings are likely to be included in the north front elevation and as shown on the indicative floor plans. In the main a distance of 21m would be achievable between plot

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

- 10.23 Turning to the level of external amenity areas, an adequate area would be achieved around the dwellings. To the rear a 2m wide patio area is shown with an elevated area beyond to retain the existing land levels to ensure development is restricted outside the root protection zones of the mature trees on the adjacent woodland, beyond the southern boundary. Officers are of the opinion a practical solution can be designed to allow access to the elevated amenity areas which would need to form part of any future reserved matters application.
- 10.24 Turning to other amenity issues which could potentially unstable land within the site and adjoining neighbouring land from carrying out development on this steeply sloping site, Members on 5th October committee requested accurate details to demonstrate where and how the site could be developed, particularly with regards to retaining land on this steeply sloping site. Additional information received includes calculations/ details of the proposed gabion structure/wall to the rear of the proposed dwellings and as well as the siting of other proposed retaining walls/structures within the site. No details are provided for the proposed retaining walls to the front of the dwellings adjacent to Forest Road.
- 10.25 Policy PLP 53 of the Publication Draft Local Plan advises submission of appropriate land instability risk assessment would need to form part of the submitted information. Paragraphs 120 and 121 of the NPPF clearly state that to prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity.....should be taken into account. Where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. Furthermore, these issues could form part of a building regulations application, in particular if any retaining walls would be supporting land and form part of the dwelling. Similarly, details of retaining walls would be required by the Council's Highway Structures team for retaining walls that would retain land adjacent to a highway, as in this case for the proposed retaining walls to the front adjacent to Forest Road.
- 10.26 However, it is essential to point out it is the developer/ applicant's responsibility for ensuring that adequate site investigation information is obtained, prepared by a competent person, to demonstrate that the site can be developed without unacceptable risks to the future occupiers of the proposed dwelling, existing occupiers of neighbouring properties and users of any adjacent land from land stability issues. As the proposals would include retaining walls to the front of dwellings adjacent to a public highway (Forest Road) it is considered appropriate and necessary to condition details of such structures to be submitted to and approved in writing by the Local Planning Authority to ensure the proposals can be developed without causing harm to existing users of

adjacent land and future users of the site and the environment, in accordance with advice in the NPPF and Policy PLP 53 of the publication draft Local Plan.

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

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

10.28 On assessment of the proposals, Highway Officers raise no concerns. The proposals would provide direct access for each dwelling onto Forest Road with provision for on- site parking and could accommodate adequate space to accommodate waste bins. (To be conditioned). In the layout proposed, Officers are of the opinion the proposals subject to conditions would not adversely create or materially add to highway safety or environmental problems on the surrounding highway network, in accordance with Policy T10 of the UDP.

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

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

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

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

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

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

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

10.35 **Representations:**

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

- Green belt land

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

- Loss of light to no. 56 Forest Road

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

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

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

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

10.36 **Other Matters:**

Air quality:

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

11.0 **CONCLUSION:**

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

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

11.3 Having regard to the surrounding development in the area and the relevant provisions of the development plan and the National Planning Policy Framework, the principle of developing this site would be in accordance with the development plan as it is sustainable development. Furthermore, on receipt of the additional and revised plans which demonstrates the siting of retaining structures and proposed finished land levels within the site, officers are of the opinion in the siting shown the developing of this site would preserve the character of the street scene and visual amenity of the area. The proposals are therefore recommended for approval.

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

1. Approval of details of the appearance, landscaping, and scale (standard O/L condition)

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

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

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

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

Access

6. Details of retaining structures adjacent to highway including facing materials
7. Bin storage for each plot
7. Electric charging point
8. Details of a scheme for the rate of surface water discharge from the site to a maximum of 5 litres per second
9. All areas indicated to be used for vehicles to be laid out with a hardened and drained surface in accordance with the communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens

Note:

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

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

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

Background Papers:

Application and history files.

Website link:

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

Certificate of Ownership

Certificate B served on Mr R Wooler

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Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 08-Feb-2018

Subject: Planning Application 2017/93488 Outline permission for erection of 96 dwellings and planning permission for infill of land Land at Walkey Terrace and Brunswick Street, Heckmondwike

APPLICANT

Andrew Redmile, Ernest
Gordon Ltd

DATE VALID

13-Oct-2017

TARGET DATE

12-Jan-2018

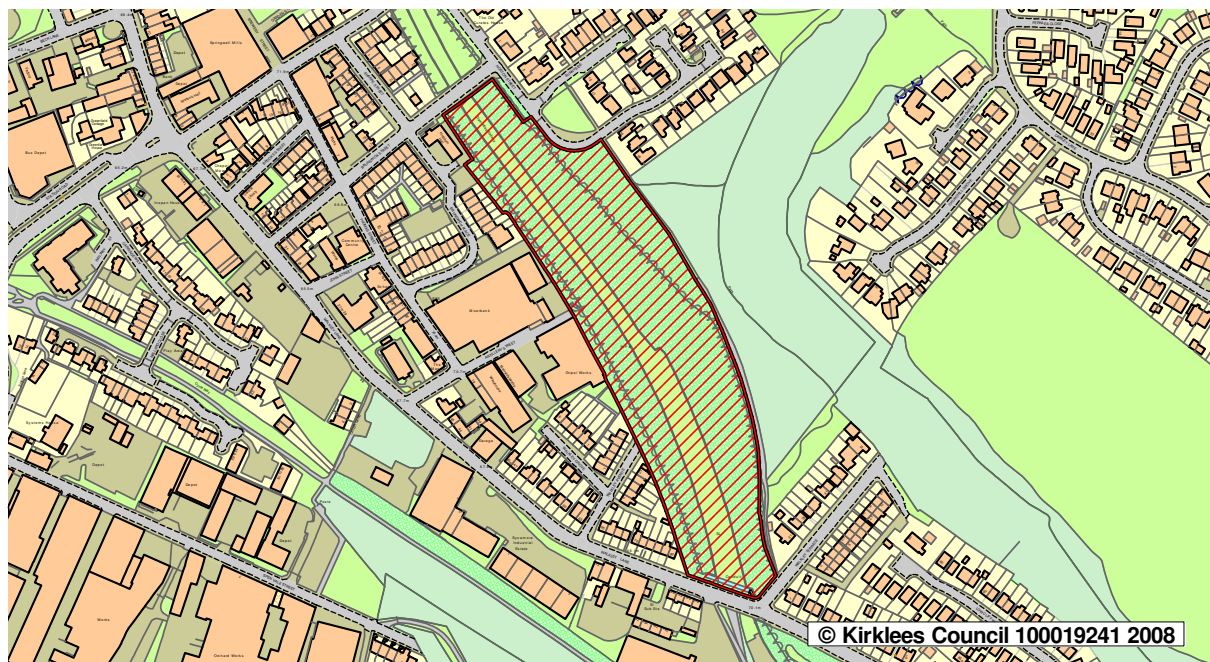
EXTENSION EXPIRY DATE

28-Feb-2018

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Heckmondwike

Yes

RECOMMENDATION: Refuse

- 1. The proposed temporary access arrangements associated with the landfilling element of this proposal would have significant detrimental impact on highway safety in the vicinity of the site in that the local highway network is not capable of safely accommodating the regular daily movement of the heavy goods vehicles needed to transport infill material to the site. This would be contrary to Unitary Development Plan policy T10 and Kirklees Publication Draft Local Plan policies PLP21, PLP44 and Section 7 of the National Planning Policy Framework.**
- 2. The applicant has failed to demonstrate that the landfill of the site over a period of at least two years will not have a detrimental impact on the amenity of neighbouring uses as a result of noise and dust. This would be contrary to Unitary Development Plan policies EP4, EP6 and WD5 and Kirklees Publication Draft Local Plan policies PLP51 and PLP52 and Section 11 of the National Planning Policy Framework.**
- 3. The applicant has failed to demonstrate that this proposal will not have a detrimental impact on the ecology of the area and that local biodiversity will not be detrimentally affected. This would be contrary to Unitary Development Plan policies D6, WD5 and Kirklees Publication Draft Local Plan policy PLP30 and Section 11 of the National Planning Policy Framework.**
- 4. The applicant has failed to demonstrate that this proposal will not have a detrimental impact on air quality in the area. This would be contrary to Kirklees Publication Draft Local Plan policy PLP51 and Section 11 of the National Planning Policy Framework.**
- 5. The applicant has failed to demonstrate that the drainage measures proposed would not increase the risk of flooding in the local area. This would be contrary to Kirklees Publication Draft Local Plan policy PLP27 and Section 10 of the National Planning Policy Framework.**

1.0 INTRODUCTION:

- 1.1 This application is brought to the Strategic Planning Committee as the proposal includes residential development involving more than 60 dwellings and will involve disposal of more than 50,000 tonnes of solid waste. This is in accordance with the Council's Scheme of Delegation.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site comprises a redundant railway cutting which accommodated the former branch line which served Heckmondwike. The cutting has been closed for more than 50 years and has naturally regenerated with self-seeded trees and rough grassland. The site occupies an area of approximately 2.7 ha and is located approximately 335m south east of the centre of Heckmondwike. The area surrounding the site is mainly residential in character although there is evidence of commercial activity to the west and south west and an area of open land is located immediately to the east which extends a considerable distance towards Cawley Lane to the north east and towards several playing fields to the east off Byron Grove. Public Right of Way (PROW) HEC/22/30 runs in a north/south direction adjacent to the eastern boundary of the site.

3.0 PROPOSAL:

- 3.1 The applicant has submitted a hybrid application which seeks full planning permission to landfill the site and outline planning permission to subsequently develop the site for residential purposes once the landfill element has been completed. Each element of this application is outlined as follows:

- 3.2 landfill – This would involve the creation of a temporary access off Walkley Terrace and the formation of a platform close to this access to allow HGVs to park and manoeuvre within the site. The applicant has indicated that tipping would commence at the northern end of the cutting and would progress towards the south. Material would be compacted during the landfilling operations to form an area which is suitable for future development. All machinery involved in this process would be accommodated within the site for the duration of the works involved. The fill material involved would be clean inert waste which the applicant has indicated would be screened prior to delivery. It is estimated that the landfill operation would require approximately 138,000 tonnes of imported material which would take 114 weeks to complete. This would involve a total of 18 deliveries per day using vehicles with a 20 tonne load capacity. As part of this phase of the development the applicant seeks permission for the formation of a cycle/pedestrian link to the current spur from the Spen Greenway.

- 3.1 Outline residential - Outline planning permission is sought for the erection of 96 dwellings with all matters reserved except for access arrangements. However, the application does include an illustrative layout. Access would be taken via a single point linking to Horton Street which is at the northern end of the site.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

93/02757 – Infilling of former railway cutting (withdrawn)

94/90001 - Land infilling of derelict railway cutting and plugging of Brunswick street bridge and church street bridge (withdrawn)

99/92140 - Reclamation of derelict railway cutting by partial infilling to form shared cycle/footpath and open greenspace (deemed withdrawn)

2000/92085 – Partial infilling of railway cutting (withdrawn)

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

- 5.1 Following discussions with the applicant additional information regarding flood risk and drainage has been submitted and alternative access arrangements for the landfill element of the proposal have been put forward.

6.0 PLANNING POLICY:

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

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

D2 - Unallocated land
D6 – Development affecting a wildlife corridor
BE1 – Design principles
BE2 – Quality of design
BE12 – Space about buildings
BE23 – Crime prevention.
EP4 – Noise sensitive development
EP6 – Noise generating development
R13 – Development affecting public rights of way
T10 – Highway safety
T18 – proposed pedestrian/cycle route
T23 – Development of disused railways
T19 – Parking standards
WD5– Disposal of waste to landfill
H10 – Affordable housing
H18 – Provision of open space
NE9 – Retention of mature trees
G6 – Land contamination

6.3 National Planning Guidance:

NPPF Section 1. Building a strong, competitive economy
NPPF Section 4 Sustainable transport
NPPF Section 7 Providing a wide choice of high quality homes

NPPF Section 7 Requiring good design
NPPF Section 10 Flood Risk/ Drainage
NPPF Section 11 Conserving and enhancing the natural environment.
Planning Practice Guidance – Waste
National Planning Policy for Waste

- 6.4 Other Policies
SPD2 Affordable Housing
West Yorkshire Low Emissions Strategy

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

The Local Plan identifies the site as potentially forming part of the core cycling/walking network.

PLP11 - Housing mix and affordable housing
PLP20 -Sustainable Travel
PLP21 - Highway safety and access
PLP22 – Parking
PLP 23 – Core Walking and Cycling Network
PLP24 - Design
PLP28 - Drainage
PLP30 - Biodiversity and geo diversity
PLP32- Landscape
PLP33 – Trees
PLP43 – Waste management hierarchy
PLP44 – New waste management facilities
PLP 51 - Protection and improvement of local air quality
PLP52 - Protection and improvement of environmental quality
PLP53 – Contaminated and Unstable Land

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 This application was publicised by the erection of 9 site notices in the vicinity of the site the mailing of 75 neighbourhood notification letters and an advertisement in the local press. 181 representations from members of the public have been received in connection with this proposal and the issues raised can be summarised as follows:

- The proposed development would have an adverse impact on local wildlife
- The development would have a detrimental impact on highway safety in the vicinity of the site as the local highway network cannot accommodate the additional vehicles associated with this proposal.
- Local schools will not be able to meet the additional demand created by this proposal
- The proposal would lead to nuisance associated with noise and dust

- The development would result in a lowering of property prices in the locality of the site
- The privacy of existing residential properties would be adversely affected
- The development will have a detrimental impact on the visual amenity of the area
- Land stability in the area could be affected by the proposed infilling works
- This proposal would reduce the possibility of creating a link to the wider cycle network
- The proposal would lead to flooding problems
- Air quality would be adversely affected as a result of increased traffic
- Local amenities and services in the vicinity of the site are insufficient to cope with these additional residential properties
- The proposal would result in the loss of an important part of Heckmondwike's heritage
- Residents were not made aware of this proposal
- This is a valuable green space in an urban setting and should not be developed
- This proposal would represent over development of the site
- The development would result in the loss of a route that could potentially be used for rail transport in the future
- Unauthorised waste could be tipped at the site which could potentially cause pollution and contamination
- The land is used regularly by many local dog walkers as a recreational facility
- The landfill operation would result in mud and debris being trafficked onto the public highway
- The application lacks detail regarding how the landfilling element of this proposal would be achieved.
- The two year timeframe indicated in the planning application is unrealistic and is likely to take much longer
- The waste tipped will attract vermin and flies
- There is no mechanism to control what is tipped at the site
- The housing needs of Heckmondwike included in the Local Plan did not include this site. The site is not therefore required

- Allowing this development would constitute unlawful discrimination as it would be contrary to Section 149 of the Equality Act 2010.

7.2 Ward members were consulted on the application. No representations from members have been received.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C. Highways - Object, the proposed temporary access associated with the landfilling element of this proposal from Walkley Terrace would have an unacceptable detrimental impact on highway safety. Furthermore the applicant has failed to supply sufficient information to properly assess the impact of the residential element of this proposal on the surrounding highway network.

K.C. Flood Management – Object, the applicant has not provided sufficient information to address the following points:

- Feasibility and suitability of drainage not established
- Principle of installing a new culvert through the development, confirming flows and producing an asset that requires maintenance
- Discharge rate is based on total area (2.58ha) this should be derived for only the impermeable and positively drained area.

The Coal Authority – No Objection subject to the inclusion of a planning condition which requires that prior to the submission of a reserved matters application intrusive site investigations are carried out and the results and any remedial measures are submitted in support of the reserved matters application.

The Health and Safety Executive – No objection

8.2 Non-statutory:

K.C. Ecology Unit – Object as the applicant has failed to supply sufficient information to fully assess the impact the development would have on local ecological systems.

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

- Before development commences a dust suppression scheme is approved
- Before development is brought into use the noise suppression measures indicated in the supporting noise assessment are implemented and written evidence that the specified noise levels have been achieved

- Before development commences a phase II intrusive contaminated land survey be carried out
- If required the approval of a site remediation strategy and any remediation to be carried out in accordance with the approved scheme
- The submission of a validation report should site remediation be required
- Measures to deal with contamination not previously identified

- Before development commences a scheme be approved detailing facilities for charging electric vehicles and other ultra-low emissions vehicles.
- Hours of operations on site to be restricted to 07.30 and 18.30 hours Mondays to Fridays 08.00 and 13.00hours , Saturdays With no working Sundays or Public Holidays.

K.C. Education – Indicates that an education contribution of £237,233 is required in connection with this proposal

K.C Strategic Housing – No objection subject to the provision of 19 affordable units or a financial contribution to be paid in lieu of on site provision.

K.C. Arboricultural Officer – No objection subject to a tree protection plan being provided with any subsequent reserved matters application.

The Environment Agency – No objection

West Yorkshire Police – No objection subject to a planning condition which requires that prior to development commencing, details of crime prevention measures to be used in the residential element of the development should be submitted to and approved by the Local Planning Authority.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Flood Risk/Drainage issues
- Environmental Issues
- Representations
- Conclusion.

10.0 APPRAISAL

10.1 Principle of development

10.2 The site is unallocated in the Unitary Development Plan although is identified as a wildlife corridor and a potential pedestrian/cycle route. Within the emerging local plan, the site was promoted as a potential housing allocation but was rejected by the Council due to concerns about the likelihood of the resolution of significant identified constraints in order that the site could be brought forward

during the plan period. Consequently the site has not been allocated for any specific purpose within the local plan but has been identified as providing a potential link to the district's Core Walking and Cycling Network.

- 10.3 Paragraph 14 of the National Planning Policy Framework presumes in favour of sustainable development, indicating that for decision making purposes this means "approving development proposals that accord with the development plan without delay". In addition the Council is currently unable to demonstrate a 5 year supply of deliverable housing sites, and in this context paragraph 49 of the National Planning Policy Framework indicates that "housing applications should be considered in the context of the presumption in favour of sustainable development.
- 10.4 The site is considered to be in a sustainable location with access to public transport, and local facilities, services and amenities as such it is considered that the principle of residential development on this site is acceptable.
- 10.5 Given the scale of the development, and the numbers of units envisaged the Councils policies regarding the provision of Affordable Housing; Public Open Space and Education provision, are relevant. However, as the application for the residential development element of this proposal is for outline planning permission with only access arrangements applied for, the final number of dwellings is not being agreed at this time. As such, the level of provision of Affordable Housing, Education contributions and Public Open Space cannot be accurately calculated at this time. However, advice has been provided by relevant service areas with regard to the level of affordable housing and the likely education contribution based on the provision of 96 dwellings.
- 10.6 Appendix A of the National Planning Policy for Waste contains a waste hierarchy and although this indicates that the most effective environmental solution to the generation of waste is waste prevention, it also indicates that the re-use and recycling of materials are the next best options. Waste Planning Authorities are therefore encouraged to take a positive approach towards dealing with waste in a way which moves its treatment up the hierarchy. In this instance the imported waste would be used specifically to re-engineer contours to facilitate the future development of the site rather than simply being disposed of. It is therefore considered that this proposal would see the re-use of a significant proportion of inert waste material which is consistent with current national planning guidance.
- 10.7 The principle of the landfill element of this development should be considered against the criteria stipulated in Unitary Development Plan Policy WD5 and KPDLP policy PLP 44 .

UDP policy WD5 states:

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

- i provision for the prevention of noise nuisance or injury to visual amenity;
- ii the mode of transport utilised to serve the site;
- iii provision for vehicle routing and access arrangements;
- iv conservation interests;
- v arrangements for phased restoration and aftercare schemes appropriate to agricultural, forestry or amenity after-use linked to a permitted period of operation;

- vi measures included in the scheme to eliminate environmental hazards from leachate and gas emissions;
- vii arrangements for the protection of natural resources such as ground water, rivers or other water bodies;
- viii the extent and duration of any past or current landfill activity in the area; and
- ix the need for landfill capacity for the relevant waste types at the location proposed.

KPDLP policy PLP 44 states:

Proposals for waste management facilities should be located in sustainable locations, appropriate to the proposed waste management use and its operational characteristics, where potentially adverse impacts on people, biodiversity and the environment can be avoided or adequately mitigated. Proposals should have regard to the following sequential priorities, unless the use of an appropriate alternative site can be justified:

- a. sites specifically allocated for waste management purposes;
- b. employment sites where co-location with existing waste management processes is possible without detriment to residential amenity;
- c. employment sites suitable for Use Classes B2 and B8;
- d. sustainable locations within vacant previously developed land.

Proposals for waste management facilities should demonstrate that the following potential impacts have been fully considered and satisfactorily addressed so as to make them acceptable to the council:

- a. duration of the development;
- b. the layout and design of the site and any associated buildings;
- c. influence on visual amenity;
- d. the treatment of boundary features and new screening as appropriate;
- e. environment and amenity issues such as noise, dust, litter, odour, vermin and gas emissions;
- f. protection of controlled waters;
- g. drainage and use of sustainable drainage;
- h. effects on the natural and historic environment; i. restoration and aftercare where appropriate;
- j. measures to prevent dirt and debris being carried onto the public highway;
- k. the adequacy of the highway network and the safety of access and egress arrangements;
- l. routing and the frequency of vehicle movements;
- m. hours of operation;
- n. the protection of public rights of way;
- o. fairly and reasonably related community benefits.

- 10.8 Notwithstanding the landfill development would be temporary in nature, the associated disturbance to the amenity of the area would be evident for at least 2 years. Operations would involve a significant number of heavy vehicle movements to and from the site using a congested highway network and the minor roads used close to the site would not safely accommodate the heavy vehicles necessary to deliver the infill material. It is therefore considered that the principle of the landfill development put forward by the applicant is unacceptable.

10.9 Urban Design

- 10.10 With regard to the residential development element, the site is located on the periphery of an existing built up area and would effectively form an extension to housing areas to the west and north of the site. Whilst the applicant seeks outline planning permission with the layout to be dealt with as a reserved matter, an indicative plan has been included in the application which indicates a housing density of approximately 35 per ha. which would principally involve terraced town house style properties with a small number of semi-detached dwellings. This type of development is compatible with existing properties in the surrounding area which includes concentrations of terraced properties as well as a mixture of semi-detached and detached dwellings.
- 10.11 A significant area of woodland measuring approximately 2.5 ha. is located to the north east of the site which would provide an attractive green backdrop to the site and would provide a degree of separation between this site and other existing concentrations of residential developments.
- 10.12 The issue of scale and design would be the subject of a subsequent reserved matters application but the surrounding area includes a mixture of buildings ranging from single storey to four stories. It is therefore considered that buildings of a similar design would be acceptable in principle. Consequently officers consider that the residential element of this development would accord with UDP policies BE1 and BE2, KPDLP policy PLP24 and Section 7 of the NPPF.

10.13 Residential Amenity

- 10.14 The impact on residential amenity associated with this development would vary depending on each of the development phases. The landfilling element would involve significantly different activities from those associated with the subsequent construction and occupation of the residential development.
- 10.15 The nearest residential properties to the site are located to the west of the site off Brunswick Place, Walkley Drive, Walkley Avenue and Walkley Lane and to the east off Walkley Terrace, all of which include properties that immediately abut the application site. Other residential properties are close to the site off Sunnyside, Horton Street and Brunswick Street. Some of these properties would have direct views of the site but it is not considered that the residential use would result in significant detrimental impacts associated with visual amenity or noise nuisance.
- 10.16 To facilitate the landfill proposals, waste would be transported to the site by heavy vehicles including open skip and tipper lorries. Noise will therefore be generated by the vehicles themselves and during the unloading, working and processing of the waste on site. As previously indicated the nearest residential properties are on the boundary of the site and there is significant concern relating to the impact arising from the landfilling operations at the site in relation to residential amenity of neighbouring residents.
- 10.17 The applicant has provided a noise assessment in support of the application but this only considers the noise implications associated with the residential element and has not provided an assessment of the likely impacts relating to the landfill part of this development.

10.18 The potential emissions to the atmosphere associated with tipping and backfilling operations such as those proposed at the application site are associated with possible dust arising from three main sources:-

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

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

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

Whilst it is considered that problems associated with dust can be mitigated, the applicant has not provided an air quality assessment which details the likely impacts associated with the landfilling phase of this proposal or a mitigation strategy.

It is considered that the full extent of the effects of this proposal resulting from noise and emissions to the atmosphere cannot be fully assessed however based on the level of information known and the judgement of officers the proposal would conflict with UDP Policies EP4, EP6 and WD5(i), KPDLP policies PLP51 and PLP52 or policy guidance contained in Section 11 of the NPPF.

10.19 Highway Issues

10.20 It is considered that the impact on the local highway network will vary with regard to each phase of this development. The landfill element would see regular daily movement of heavy vehicles over a temporary period of approximately 2 years whilst the residential use would permanently add traffic to the local network. Officers have concerns about the proposal's impact on the local highway network for the following reasons:

10.21 Phase 1 Landfill Element - The main impact on the highways network associated with this phase of the development would relate to the regular movement to and from the site by heavy goods vehicles used to transport the infill material. The vehicles traditionally used for this type of operation are ridged 3 or 4 axle lorries with a 20 + tonne load capacity. The applicant has estimated that operating 5 days a week outside peak traffic hours (09:30 -15:30) at a rate of 18 deliveries per day, the site would take approximately 114 weeks to fill. However, this assumes a constant supply of material over that period. Any delay in sourcing material would therefore impact on the time required to complete this phase of the development.

10.22 The applicant proposes the formation of a temporary access onto

Walkley Terrace at the south eastern corner of the site and the provision of a compound within the site close to this access point which would provide storage and parking facilities. The compound area would allow two HGVs to park off the highway and manoeuvre to allow forward egress.

- 10.23 However, the geometry of Walkley Terrace does not readily lend itself to use by HGV delivery vehicles. The vehicle tracks shown indicate that HGV delivery vehicles will find it difficult to access the site. It will not be possible for a four axle rigid HGV lorry to access or egress the site compound without using the entire width of Walkley Terrace to do so. Further, the egress manoeuvre must be started before the driver can see whether it can be completed. This includes having to give way to vehicles on Walkley Lane. Similarly the full width of Walkley Lane is required to egress from Walkley Terrace. The proposed Walkley Terrace access is not therefore considered to be acceptable from a highway safety point of view.
- 10.24 The applicant has been made aware of these concerns and has suggested that an alternative access point could be considered which would utilise Church Street and Horton Street. However, it is considered that, bearing in mind the constraints of that part of the highway network, the regular use of this route by heavy vehicles would lead to an unacceptable impact on highway safety on this part of the local network.
- 10.25 Phase 2 Residential Element – The proposed access for the residential development would be formed off Horton Street. The proposed access is shown to have a carriageway width of 6.9m and radii of 6m. A footway is shown to be provided to the northern side of the carriageway along the spine road only. Not all of the shared surface areas are shown to have 600mm margins. Visibility splays of 2.4m x 43m are shown to be available at the site access.
- 10.26 The main spine road is neither designed as a traditional estate road or a shared surface carriageway and consequently doesn't meet standards.

Whilst, as part of the residential element of this application, consent is sought only for the access point off Horton Street and the spine road, it is considered that the indicative design raises some concern:

- The street elevations indicate 2 and 3 storey dwellings with integral garages. No details of the integral garages are provided. To be considered as a parking space these must be 6 x 3 metres. Each of the proposed plots has one parking space to the frontage.
- 31 of the 92 dwellings have 4 or 5 bedrooms. These plots should be provided with 3 off-street parking spaces.
- Traffic calming features involving vertical deflections are not appropriate on shared surface areas. The ramps to the proposed raised plateaux are in front of proposed driveways at the end of road D which is unacceptable.
- There are 2 proposed cul-de-sacs which are approximately 40 metres in length which do not have turning heads sufficient in size to accommodate a large 11.85m refuse vehicle.
- The turning head at the end of street A should be extended to ensure that a refuse vehicle can turn without over-hanging the kerb line.

10.27 Although it is considered that a reserved matters application detailing the layout of this site could provide a mechanism to resolve the above concerns, it is felt that the temporary access arrangements associated with the landfill phase are wholly unacceptable. It is therefore considered that this proposal does not accord with UDP policies T10 and T19, KPDLP policies PLP21 and PLP22 with regard to its impact on highway safety.

10.28 Flood Risk/Drainage issues

10.29 As the applicant proposes to significantly change the topography of the site via the importation and engineering of approximately 138,000 tonnes of inert waste, followed by its subsequent development, current drainage regimes have the potential to be adversely affected.

10.30 The application site falls within an area allocated as Flood Zone 1 and the risk of a river flooding event is therefore assessed as having a less than a 1 in 1000 annual probability. However, due to the site's topography, flood maps held by the Environment Agency indicate that flooding resulting from overland surface water along the full length of the base of the cutting has a 1 in 30 chance.

10.31 The applicant has provided a flood risk assessment and drainage strategy in support of the application in an attempt to address potential impacts on flood risk and drainage. However, it is considered by officers that the information provided is insufficient to fully assess the drainage implications of this development and how this could influence local flood risk. As a consequence this proposal does not accord with , KPDLP policies PLP28 and PLP44 and guidance contained in Section 10 of the NPPF.

10.32 Environmental Issues

10.33 Biodiversity – Whilst the site is a former railway cutting, it has been redundant for decades and has therefore naturally regenerated. Consequently the site has the potential to provide habitat opportunities for local wildlife and is identified as a wildlife corridor in the Unitary Development Plan and as part of the Strategic Wildlife Network in the Local Plan.

10.34 The applicant has submitted a Preliminary Ecological Appraisal (PEA) in support of this application. However, bearing in mind the scale of this development, it is considered that there is currently insufficient information to fully assess the impact of this proposal on local ecological systems and that the application should be supported by an Ecological Impact Assessment.

10.35 Officers therefore consider that as there is insufficient information to fully consider the implications of this proposal with regards to its effect on biodiversity, it does not therefore accord with UDP policy D6, KPDLP policy PLP30 and Section 11 of the NPPF.

10.36 Landscape – This site is not prominent within the wider landscape due to the presence of existing buildings and mature vegetation. Consequently, at distance, the proposed development would be unlikely to have any significant effect on the area's landscape character. At closer distance the site is overlooked by a number of residential properties and by PROW HEC/22/30 which is immediately adjacent to the eastern boundary of the site. The landfill

operation and subsequent development of the site would therefore be visible at close quarters. The experience of pedestrians using PROW HEC/22/30 would therefore be detrimentally affected during the landfill operation albeit for a temporary period only. However, bearing in mind the surrounding built environment, officers consider that the subsequent residential development of the site would not have a significant detrimental impact on the local landscape.

10.37 Contamination/pollution – Due to the previous uses of this site it is likely that the site will be contaminated. The applicant has supported this application with a Stage 1 desk study ground condition report which indicates contamination sources on site could include:

- Possible made ground from the construction of the railway line on the site: - metals inorganics, total petroleum hydrocarbons (TPH), polyaromatic hydrocarbons (PAH), phenol, asbestos.
- Possible ash and asbestos from use of trains. Including steam trains: - asbestos, metals, PAH, TPH. 6.15.3 Methane
- Carbon dioxide from possible shallow coal seams/workings (including two mine entries on site) and from filled land within 250m of the site.

This supporting report indicates that an intrusive survey should be carried out to identify such contamination sources and design subsequent mitigation measures. Officers consider that such a survey could be secured via planning conditions in accordance with advice provided by the Council's Pollution and Noise Control Team.

10.38 Air Quality – This proposal would generate dust which could have a detrimental impact on the area, the principle sources of which and potential mitigation measures have been previously outlined. Additional vehicle movements associated with both phases of this proposal would also impact on air quality in the vicinity of the site. KPDL policy PLP51 and Section 11 of the NPPF require that a development's potential impact on Air Quality should be considered when assessing planning applications. The West Yorkshire Emissions Strategy provides a mechanism to include measures which can offset the damage to air quality associated with developments. However, an air quality impact assessment was not provided in support of the application and an assessment of the likely damage has not been submitted.

10.39 Representations:

10.40 As previously indicated 181 representations objecting to this proposal have been received. The concerns raised and associated responses can be summarised as follows:

The proposed development would have an adverse impact on local wildlife

Response: This matter has been considered in the Section titled Environmental Issues.

The development would have a detrimental impact on highway safety in the vicinity of the site as the local highway network cannot accommodate the additional vehicles associated with this proposal.

Response: This matter has been considered in the Section titled Highways Issues

Local schools will not be able to meet the additional demand created by this proposal:

Response: Should planning permission be granted, this would be subject to the provision of a financial contribution which would be used to provide additional capacity at existing schools.

The proposal would lead to nuisance associated with noise and dust

Response: This matter has been considered in the Section titled Residential Amenity

The development would result in a lowering of property prices in the locality of the site

Response: The effects of granting planning permission on property prices is not a material planning consideration. Consequently this issue cannot form part of an assessment of a planning application

The privacy of existing residential properties would be adversely affected

Response: It is acknowledged that this development would have an impact on nearby properties as indicated in the committee report. With regard to the landfill proposals, the associated effects would be for a temporary period only. The detail of the residential element would be considered at reserved matters stage and where the siting and layout of the properties would be considered.

The development will have a detrimental impact on the visual amenity of the area

Response: This matter has been considered in the Sections titled residential Amenity and Environmental Issues.

Land stability in the area could be affected by the proposed infilling works

Response: Records indicate that historic mine workings are likely to be located within this site. However, it is the developer's responsibility to ensure that adequate measures are taken to mitigate the effects of such workings on any subsequent development and that the workings themselves are not adversely affected. The Coal Authority has indicated it does not wish to object to the proposal subject to an intrusive being carried out prior to development and its results and any proposed mitigation being agreed.

This proposal would reduce the possibility of creating a link to the wider cycle network.

Response: The proposal does include the provision of a further extended link to the Spen Green Way and therefore offers an opportunity to extend the cycle and pedestrian network in accordance with the Council's objectives both within the Unitary Development Plan and the emerging Local Plan.

The proposal would lead to flooding problems

Response: This matter has been considered in the Section titled Flood Risk/Drainage Issues.

Air quality would be adversely affected as a result of increased traffic

Response: This matter has been considered in the Sections titled Residential Amenity and Environmental Issues.

Local amenities and services in the vicinity of the site are insufficient to cope with these additional residential properties.

Response: it is considered that this site is situated within a sustainable location and the increase in residential properties associated with this proposal would not place significant strain on existing amenities.

The proposal would result in the loss of an important part of Heckmondwike's heritage

Response: This is a brown field site which has remained redundant for many decades. The route of the former railway has already seen significant development along parts of its length including residential development and the formation of cycle/pedestrian routes.

Residents were not made aware of this proposal

Response: Details of how this application was publicised are indicated in the Section titled Public/local response.

This is a valuable green space in an urban setting and should not be developed.

Response: This matter has been considered in the Sections titled residential Amenity and Environmental Issues

This proposal would represent over development of the site

Response: The design of the residential phase of this proposal has been considered in the Section titled Urban Design

The development would result in the loss of a route that could potentially be used for rail transport in the future

Response: Due to development which has already been carried out on or in the immediate vicinity of the route of this former railway line, it is considered that it is unlikely that it would now be feasible to bring it back into use as a railway line

There is no mechanism to control what is tipped at the site and as a consequence unauthorised waste could be tipped which could potentially cause pollution and contamination

Response: The day to day regulation of the site would be via an Environmental Permit issued by the Environment Agency (EA). The applicant would be required to record details of the waste brought to the site and the EA would enforce any breaches of the permit involving the import of unauthorised waste.

The land is used regularly by many local dog walkers as a recreational facility.

Response: There is currently no public right of access to this site and its use as a recreational facility may therefore constitute trespass.

The landfill operation would result in mud and debris being trafficked onto the public highway

Response: it is acknowledged that this could occur. However, measures such as the provision of on site wheel washing facilities and the use of mechanical sweepers can mitigate this problem.

The application lacks detail regarding how the landfilling element of this proposal would be achieved.

Response: The information provided in the application provides a general overview of how the landfill phase of this development would be achieved. Officers consider that should planning permission be granted, schemes could be secured via planning condition which could provide sufficient details of site operations prior to development commencing.

The two year timeframe indicated in the planning application is unrealistic and is likely to take much longer

Response: It is acknowledged that due to the problem of securing regular supplies of suitable infill material landfill operations can run on beyond the envisaged time frame. In such circumstances the applicant would need to secure an extension of time to complete the landfilling works through a further planning application.

The waste tipped will attract vermin and flies

Response: This application seeks to allow the site to be backfilled with inert waste e.g. clean excavation soils and demolition rubble. This would not therefore include materials that would attract vermin or flies.

The housing needs of Heckmondwike included in the Local Plan did not include this site. The site is not therefore required.

Response: Whilst this site has not been allocated in the local plan for housing this does not mean it cannot be considered for such a use or that it can't contribute towards the housing needs of the area. The individual planning merits of the proposal must be considered when determining whether the site is appropriate.

Allowing this development would constitute unlawful discrimination as it would be contrary to Section 149 of the Equality Act 2010.

Response: it is the Council's contention that this application has been assessed in accordance with the requirements of the equality Act 2010.

11.0 Conclusion

Whilst it is considered that the principle of developing this site for housing is acceptable, Officers believe that the proposals associated with the initial landfill element of the development would have a significant detrimental impact on local amenity and highway safety in the area and cannot therefore be supported.

12.0 Reasons for refusal

1. The proposed temporary access arrangements associated with the landfilling element of this proposal would have significant detrimental impact on highway safety in the vicinity of the site in that the local highway network is not capable of safely accommodating the regular daily movement of the heavy goods vehicles needed to transport infill material to the site. This would be contrary to Unitary Development Plan policy T10 and Kirklees Publication Draft Local Plan policies PLP21, PLP44 and Section 7 of the National Planning Policy Framework.

2. The applicant has failed to demonstrate that the landfill of the site over a period of at least two years will not have a detrimental impact on the amenity of neighbouring uses as a result of noise and dust. This would be contrary to Unitary Development Plan policies EP4, EP6 and WD5 and Kirklees Publication Draft Local Plan policies PLP51 and PLP52 and Section 11 of the National Planning Policy Framework.

3. The applicant has failed to demonstrate that this proposal will not have a detrimental impact on the ecology of the area and that local biodiversity will not

be detrimentally affected. This would be contrary to Unitary Development Plan policies D6, WD5 and Kirklees Publication Draft Local Plan policy PLP30 and Section 11 of the National Planning Policy Framework.

4. The applicant has failed to demonstrate that this proposal will not have a detrimental impact on air quality in the area. This would be contrary to Kirklees Publication Draft Local Plan policy PLP51 and Section 11 of the National Planning Policy Framework.

5. The applicant has failed to demonstrate that the drainage measures proposed would not increase the risk of flooding in the local area. This would be contrary to Kirklees Publication Draft Local Plan policy PLP27 and Section 10 of the National Planning Policy Framework.

Background Papers:

Application and history files.

Website link: <http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f93488>

Certificate of Ownership – Completed and dated 09/10/17

Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 08-Feb-2018

Subject: Planning Application 2017/94080 Erection of precast concrete production unit, demolition of existing casting shed and ancillary buildings, associated site works to modify external storage areas and installation of gantry cranes C R Longley And Co Ltd, Ravensthorpe Road, Thornhill Lees, Dewsbury, WF12 9EF

APPLICANT

Michael Longley, Longley
Concrete Ltd

DATE VALID

28-Nov-2017

TARGET DATE

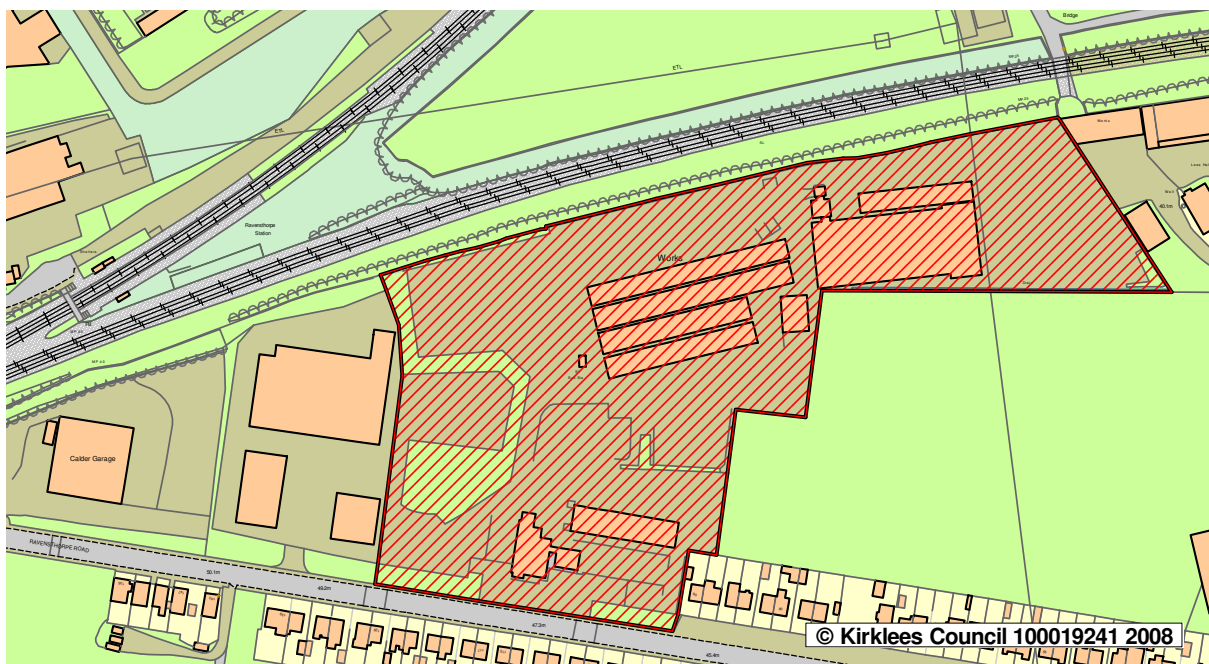
27-Feb-2018

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Dewsbury South Yes

Ward Members consulted

RECOMMENDATION:

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

- The assessment of flood risk and the proposed drainage strategy
- The impact of HGV movements upon Air Quality Management Areas (AQMA's) in Scout Hill and Dewsbury
- Hours of operation for deliveries and dispatches to and from the site
- The provision of landscaping within the site

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

1.0 INTRODUCTION:

- 1.1 The application seeks full planning permission for the development of a new precast concrete production unit, associated site works to modify external storage areas and the installation of gantry cranes.
- 1.2 The applicant is Longley Concrete Ltd., a privately owned family run business which operates three sites across the UK at Dewsbury, London and in Northern Ireland. The company produces a range of concrete products including beam and block floors systems, lift shafts, staircases and stadia components.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site occupies approx. 3.3Ha of land bounded to the north by the Huddersfield to Wakefield railway line, to the east by Lees Hall Farm and agricultural grazing land (Council owned), to the south by Ravensthorpe Road and to the west by existing industrial development.
- 2.2 The site is accessed from Ravensthorpe Road and then steps down towards the railway line with the lowest part of the site being approx. 8m below the road level. The main car parking provision is immediately off the Ravensthorpe Road entrance.

- 2.3 Existing office buildings lead directly off the car park. These are single storey buildings with a lower ground floor to the north taking advantage of the change in levels. To the north of the offices is an existing workshop building.
- 2.4 The majority of the site is given over to concrete hardstanding areas which accommodate the storage of finished products awaiting dispatch. On the lowest section of the site is the existing main casting shed. There are three further semi-permanent casting shed structures within the site.
- 2.5 At the transition between the main yard and the lower yard towards the northern boundary is the batching and mixing plant. This is a tower structure clad in composite sheeting and extending to 23m high. It has external metal access stairs and 3No associated bulk storage silos. To the south of the batching plant is a maintenance building. There are various containers and prefabricated buildings interspersed between the main buildings across the site which provide ancillary storage and welfare accommodation. Generally the existing buildings are typical of the type of commercial manufacturing structures to be found on operations of this nature and scale.
- 2.6 Within the site to the western boundary is an existing concrete waste tip.

3.0 PROPOSAL:

- 3.1 The proposal is for a new purpose built casting shed to replace the existing casting sheds and facilitate the installation of new modern concrete casting machinery and the rationalisation of operations within the site.
- 3.2 The new structure will be located within the main yard area, at the lowest part of the site, running east west roughly parallel to the northern boundary and to the railway line. It will provide an internal clear space (nominally 26m x 156.5m x 12.4m high) within which to operate a fully mechanised casting process, producing a range of beam and plank products.
- 3.3 It is proposed to install gantry cranes within the main yard to handle the heavier plank product. These will be approx. 8m high.
- 3.4 The application also proposes a one-way traffic system within the site which will improve the flow of materials and offer benefits in terms of operational control of vehicle movements.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

2017/90871 - Excavation and Removal of Concrete Waste Tip

2014/93635 - Erection of Two Storey Rear Extension to Existing Offices

2012/90746 - Installation of Pre-fabricated Portacabin

2005/92785 - Change from Waste Tip to Hardstanding

2004/91354 - Installation of New Batching and Mixing Plant

2001/91896 - Erection of Extension to Casting Shed

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

- 5.1 Negotiations have taken place with the applicant to secure the provision of landscaping within the site and hours of operation for deliveries and dispatches.
- 5.2 Further information has been requested in respect of flood risk, the drainage strategy and the potential impact of HGV movements upon Air Quality,

6.0 PLANNING POLICY:

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

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 The site predominantly lies in an area that is unallocated within the Kirklees Council Unitary Development Plan (UDP). In such areas policy D2 is applicable, which permits development providing that the proposal does not prejudice:
- I. The implementation of proposals in the plan
 - II. The avoidance of over-development
 - III. The conservation of energy
 - IV. Highway Safety
 - V. Residential Amenity
 - VI. Visual Amenity
 - VII. Character of the surroundings
 - VIII. Wildlife interests
 - IX. Efficient operation of existing and planned infrastructure
- 6.3 The site is also in part allocated for business and industry. Policies B1/B2 (meeting the employment needs of the district) will be material considerations.
- 6.4 Other relevant policies are as follows:
- BE1/2 – Design of new development
 - BE 23 – Crime prevention
 - EP4 – Noise generating development
 - EP6 – Existing and projected noise levels
 - NE9 – Retention of trees
 - T10 – Highway safety
 - T19 – Parking standards

G6 – Ground contamination

Emerging Kirklees Local Plan (Publication Draft):

- 6.5 The site is proposed to be safeguarded for mineral infrastructure in the emerging Kirklees Local Plan. Policy PLP39 specifically identifies the site as providing facilities associated with the transport, storage, handling and processing of minerals within the district and should therefore be safeguarded from development which would otherwise result in the loss of such facilities.

National Policies and Guidance:

- 6.6 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, together with Circulars, Parliamentary Statements and associated technical guidance.

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

Section 1 – Building a strong, competitive economy

Section 2 – Requiring good design

Section 10 – Climate change, flooding and coastal change

Section 11 – Conserving and enhancing the natural environment

- 6.8 Other Guidance

Planning Practice Guidance Suite March 2014

West Yorkshire Air Quality Emissions Strategy and associated technical planning guidance

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application has been advertised by means of neighbour notification letters and site notices. Two letters of representation have been received. Concerns raised relate to:

- The outlook from existing houses on Ravensthorpe Road. The unsightly appearance of the existing works and disturbance from noise and dust associated with operations.
- The proposed one way traffic arrangement within the site for production will mean concrete trucks etc. moving within and around the facility all day. Residents on Ravensthorpe Road, who have rear of properties facing very close to the facility, will have unbearable noise throughout the day.
- Proposed Production Facility with gantry cranes will increase further noise from the cranes/production and concrete tracks throughout the day. Production will also increase which will mean more concrete trucks on Ravensthorpe road causing noise to residents and traffic.
- Traffic on Ravensthorpe Road and surrounding areas will be at dangerous levels and unsafe for children and adults.

- Ravensthorpe Road has speed humps. Trucks from Longley's with concrete blocks cause more noise to residents due to the size and heavy load of the trucks.

8.0 CONSULTATION RESPONSES:

KC Business & Economy: The Business Team supports the application and recognises the investment the applicant is making in the modernising of this site to retain 177 local jobs.

KC Conservation & Design: No objection as the works will not affect the setting of the Thornhill Lees Hall complex or the nearest non designated heritage assets.

KC Ecology: No objection subject to imposition of conditions recommended in the ecological report.

KC Environmental Health (Pollution & Noise): Request conditions to control the hours of deliveries and dispatches to and from the site, the prior approval of a lighting scheme for the site, prior approval of details for the installation of any boiler system and external plant and site remediation works. Further information is requested in respect of the potential impact of HGV movements upon Air Quality Management Areas (AQMA's) in Scout Hill and Dewsbury.

KC Highways: Overall the proposal is considered acceptable from a HDM prospective. If minded to grant planning permission conditions requiring the surfacing and laying out of the car park and the submission of a traffic management plan should be included.

KC Trees: The protected trees on the site's road frontage do not appear to be affected by these proposals therefore no objections.

KC Lead Flood Authority: Object and request further information in respect of flood risk and drainage strategy.

Environment Agency: Object, the Flood Risk Assessment does not establish the flood risk for the site. Once this has been established, we will be in a position to consider the adequacy of proposed mitigation measures.

Yorkshire Water: No observations/comments required

Coal Authority: No objection subject to the imposition of conditions requiring an appropriate scheme of intrusive site investigation to be undertaken and a scheme of remediation work to be agreed

Network Rail: No objection in principle to the development, request conditions in respect of drainage, boundary treatments, a construction method statement and lighting.

Police Architectural Liaison Officer: No objections

9.0 MAIN ISSUES

- Principle of development
- Layout, scale and appearance

- Residential amenity
- Landscape issues
- Highway issues
- Drainage issues
- Representations

10.0 APPRAISAL

Principle of development

- 10.1 Longley Concrete Ltd is a privately owned family run business which operates three sites across the UK at Dewsbury, London and in Northern Ireland. First established at Dewsbury in 1947 as a local concrete block manufacturer the company has evolved through development and expansion to its current standing as national concrete product supplier to the building materials sector. Nationally the company employs 177 people of which 74 are based at the Dewsbury headquarters.
- 10.2 A core principle of the NPPF is to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs and to 'respond positively to wider opportunities for growth'. The application has been considered taking into account this and the presumption in favour of sustainable development at the heart of the NPPF. The retention and reorganisation of an established business, retaining and enhancing employment opportunities and assisting in the performance of the local economy is consistent with this core principle.
- 10.3 The site is brownfield, previously developed land. It is well served by public transport and is considered to be in a sustainable location in terms of its proximity to existing settlement. The development would maintain employment opportunities within an area where there is a mix of industrial and commercial uses and residential properties.
- 10.4 Policies B1 and B2 of the Kirklees UDP support the proposed development and its contribution to meeting the employment needs of the district given that part of the site is allocated in the Kirklees UDP for Business & Industry.
- 10.5 The site also lies in an area that is unallocated within the Kirklees Unitary Development Plan. In such areas policy D2 is applicable which permits development providing that set criteria (as defined in paragraph 6.2) are met. Subject to the impacts of the development being satisfactorily mitigated, the development proposed is considered to be acceptable.
- 10.6 The site is proposed to be safeguarded for mineral infrastructure in the emerging Kirklees Local Plan. Policy PLP39 specifically identifies the site as providing facilities associated with the transport, storage, handling and processing of minerals within the district and should therefore be safeguarded from development which would otherwise result in the loss of such facilities. The development proposed would be consistent with emerging Local Plan policy.
- 10.7 The general principle of development is therefore considered to be acceptable having regards the NPPF, the Kirklees UDP and the emerging Kirklees Local Plan.

Layout, Scale & Appearance

- 10.8 The proposal is for a new purpose built casting shed (which allows Longley Concrete to install new concrete casting machinery), the installation of gantry cranes (to handle the heavier plank product) and for a general re-organisation and rationalisation of current site operations.
- 10.9 The new casting shed is proposed to be located within the northern part of the site, running east west roughly parallel to the northern boundary and to the railway line.
- 10.10 It is proposed to be 26m wide x 156.5m in length x 12.4m in height, the size of the building being defined by the needs of the process lines to be contained within.
- 10.11 The building is proposed to be constructed of concrete frame with concrete panel walls to a height of approximately 10m. Above this, a ribbon clerestory element to the long elevations is proposed. Colour coated profiled metal cladding is proposed to the roof and upper wall section. The colour palette is restricted to goosewing grey, deep blue and denim blue set against cast concrete.
- 10.12 A two gantry crane loading system is proposed within the upper yard to service the loading area. The finished product stock yard is proposed to the lower yard area, east of the production building.
- 10.13 The existing waste tip is proposed to be removed (planning permission granted July 2017, ref 2017/90871) to form an additional storage area.
- 10.14 The circulation of traffic within the site is proposed to be managed via a one way system that runs to the perimeter of the site, connecting the upper and lower yard areas, providing access for deliveries of raw materials and dispatch of finished products.
- 10.15 The existing walling and palisade fencing to the boundaries of the site are shown to be retained.
- 10.16 Although large and dominant, the proposed production facility building would be set on a lower part of the site to help limit its visual impact and would more generally relate to other industrial buildings and structures in the vicinity, to the north of Ravensthorpe Road and off Calder Road. The appearance of the building and associated structures would be both functional and reflective of the use of land and the processes undertaken. The new building would also facilitate the rationalisation and consolidation of activities currently undertaken within a number of existing buildings on site which would as a result be removed.
- 10.17 Representations express concern about disturbance from noise and dust associated with operations. In particular concern is expressed about increased noise and disturbance for existing residents from operations within the site given the proposed one way traffic system and the operation of gantry cranes and concrete tracks.

- 10.18 KC Environmental Services (Pollution & Noise Control) have considered the noise report submitted by Waterman Infrastructure and Environment Ltd (Nov 2017) and recognise the concerns of local residents. They recommend the imposition of a condition to control the hours of deliveries and dispatches to between the hours of 0700 and 1900 hours Monday to Saturday.
- 10.19 The application details hours of operation as being between 0500 and 1900 hours Monday to Saturday for the B2 (general industrial) operations; 0830 and 1700 Monday to Friday for the B1(a) office use. Further negotiation is therefore required with the applicant to fully resolve this issue, the outcome of which will be included in the update report.
- 10.20 In addition, Officers have asked the applicant to consider the provision of landscaping within the site to the boundaries with the adjacent land allocated as provisional Open Land in the UDP, Lees Hall Farm and houses on Ravensthorpe Road. The outcome of these negotiations will be included in the update report.

Highway issues

- 10.21 Access to the site is taken from Ravensthorpe Road, which is a single track two way road of approximately 8.0m in width with street lighting present and vertical traffic calming along its length.
- 10.22 A transport statement has been submitted (Waterman ref WIE13342-101-R-1-2-3-TS). The existing trip rate for HGV is suggested in the statement is 27 two way movements to the site. The proposed two way movements for HGV's to the site are 53 two way movements. Whilst it is not anticipated to increase the number of staff working at the premises, there is however plans to make minor alterations to rearrange the existing parking provision and it appears that there would be sufficient room to accommodate additional parking provision if required.
- 10.23 Overall the proposal is considered acceptable from a Highways Development Management prospective subject to the imposition of conditions requiring the surfacing and laying out of car parking and the prior approval of a traffic management plan for the construction period, including the routing of construction traffic and the provision of wheel washing facilities.

Drainage issues

- 10.24 The Environment Agency objects to the application on the basis that the Flood Risk Assessment does not establish the flood risk for the site. KC Lead Local Flood Authority also objects and request further information in respect of flood risk and drainage strategy.
- 10.25 Further information has been submitted by the applicant's drainage consultant. The Environment Agency and KC Lead Local Flood Authority have been re-consulted. The advice of the Environment Agency and KC Lead Local Flood Authority will be included in the update report.

Representations

- 10.26 Representations received are detailed in section 7 of the report. The concerns raised are considered as part of the appraisal of the application.

11.0 CONCLUSION

- 11.1 The development would help to secure the continued operation of a long established local business, safeguarding employment opportunities in a sustainable location where there are other similar uses. The potential for any adverse impacts have been considered and are proposed to be mitigated by the imposition of appropriate conditions.
- 11.2 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and therefore subject to satisfactorily resolving the outstanding matters detailed in the report the proposed development is considered to be acceptable in principle.
- 11.3 The outstanding matters committee are requested to delegate authority to officers to resolve are:
- The assessment of flood risk and the proposed drainage strategy
 - The impact of HGV movements upon Air Quality Management Areas (AQMA's) in Scout Hill and Dewsbury
 - Hours of operation for deliveries and dispatches to and from the site
 - The provision of landscaping within the site

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

1. 3 Year Time limit for commencement
2. Development in accordance with the plans
3. Surfacing and laying out of car parking
4. Traffic management plan
5. Phase 2 Intrusive site investigation
6. Remediation Strategy for contaminated Land
7. Implementation of remediation strategy
8. Validation Report
9. Lighting scheme
10. Prior approval of details for boiler system and extract ventilation
11. Hours of operation
12. Drainage
13. Details of cladding
14. Landscaping scheme

Background Papers:

Application and history files

Website link to be inserted here

Certificate of Ownership – Certificate A signed

Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 08-Feb-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

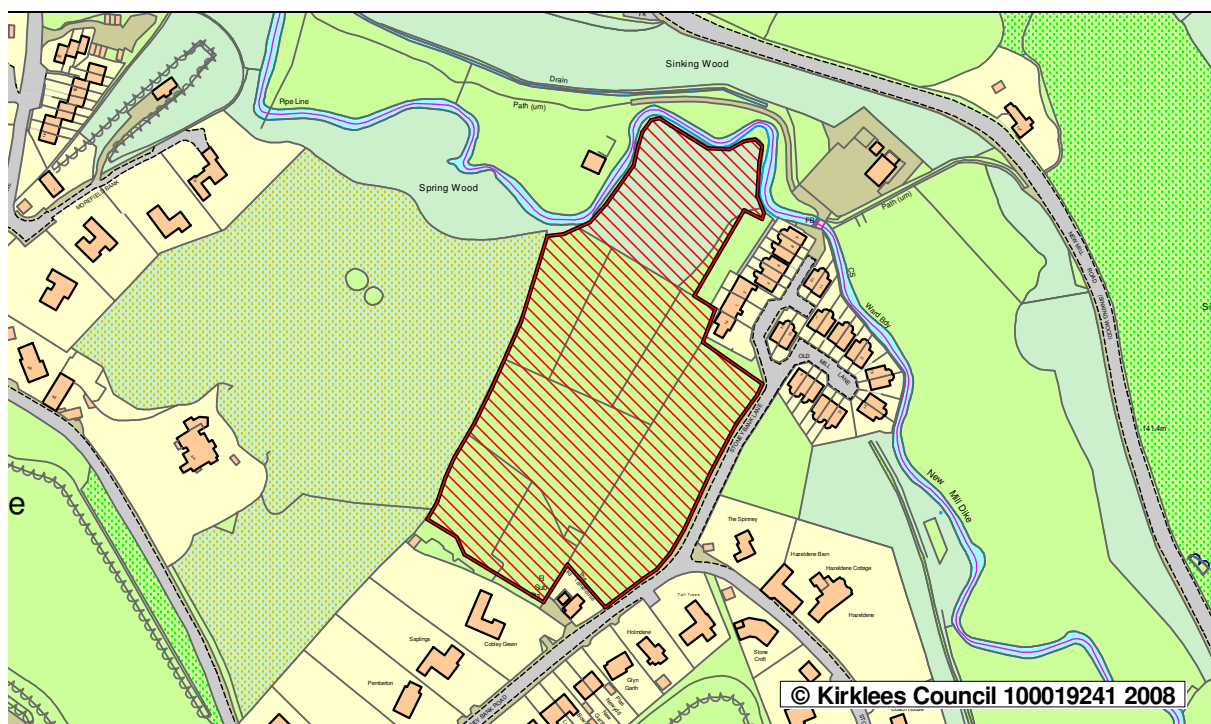
04-Dec-2017

EXTENSION EXPIRY DATE

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



Electoral Wards Affected: Holme Valley South

Yes

Ward Members consulted

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:

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 Members may recall that this application was deferred at the meeting on 11th January 2018 for officers to negotiate with the applicants on the use of natural stone for all dwellings on the site.
- 1.2 The applicant has amended the scheme and now proposes natural stone throughout the development on all plots. This offer is made by the applicant notwithstanding differences of opinion in terms of the viability of the scheme.
- 1.3 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.
- 1.4 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).

- 1.5 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.
- 1.6 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.
- 1.7 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.
- 1.8 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).

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. The application proposes natural stone throughout.

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 10th 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.
- Alterations to some of the house types to architectural elements consistent with the locality.
- Amendments to landscaping proposal.

- Following the committee deferral on 11th January 2018, the applicant has amended the proposal so as to incorporate natural stone throughout.

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.

'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.

Following the submission of additional details by the applicant which includes a commitment to provide a natural play space in the woodland, the Council's Landscape Officer is satisfied that this could be secured via planning condition along with a contribution of £25,594 towards off-site POS.

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 consent 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, the applicant has amended the scheme following a request by Strategic Planning Committee on 11th January 2018 and natural stone is proposed throughout.
- 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 PDL. 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 PDL 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 4500m² would be set out as an area of POS. This is well in excess of the 1500m² 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. The applicant also proposes to utilise trees and space left over from woodland management to be incorporated into a natural play area. Based on this, the scheme would be required to make a contribution of £25,594 towards off-site play provision improvements.

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. The proposal includes Starter Homes as

affordable housing and this is consistent with the requirements of the Council's Interim Affordable Housing Policy and is considered acceptable in this case.

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 submitted a Viability Appraisal with the original application which has been considered by officers. However, following the Strategic Planning Committee decision to defer the application on 11th January, the proposal has been amended and is now considered to comply with planning policy. It delivers all S106 requirements and also includes natural stone throughout the development.

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 to be natural stone to all plots and to be submitted
3. Route of drainage scheme to be agreed
4. Woodland management and Public Open Space scheme
5. Removal of Permitted Development Rights of all dwellings
6. Construction management plan including hours of working and deliveries to be agreed prior to commencement of development

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Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 08-Feb-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

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Holme Valley South

Yes

Ward Members consulted

RECOMMENDATION:

DELEGATE approval of 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 would include the following contributions:

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 Members may recall that this application was deferred at the meeting on 11th January 2018 for officers to negotiate with the applicants on the use of natural stone for all dwellings on the site.
- 1.2 The applicant has amended the scheme and now proposes natural stone throughout the development. This offer is made by the applicant notwithstanding differences of opinion in terms of the viability of the scheme.
- 1.3 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.
- 1.4 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, which has already been submitted (2017/94225).

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 Cobley 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 10th 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.

- Amendments to the landscaping proposal.
- Following the committee deferral on 11th January 2018, the applicant has amended the proposal so as to incorporate natural stone throughout.

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.

Following the submission of additional details by the applicant which includes a commitment to provide a natural play space in the woodland, the Council's Landscape Officer is satisfied that this could be secured via planning condition along with a contribution of £25,594 towards off-site POS

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, the applicant has amended the scheme following a request by Strategic Planning Committee on 11th January 2018 and natural stone is proposed throughout.
- 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 PDL. 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 PDL 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 be apparent 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 4500m² would be set out as an area of POS. This is well in excess of the 1500m² 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. The applicant also proposes to utilise trees and space left over from woodland management to be incorporated into a natural play area. Based on this, the scheme would be required to make a contribution of £25,594 towards off-site play provision improvements.

- 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. The proposal includes Starter Homes as affordable housing and this is consistent with the requirements of the Council's Interim Affordable Housing Policy and is considered acceptable in this case.

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

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Viability

10.50 The applicant submitted a Viability Appraisal with the original application which has been considered by officers. However, following the Strategic Planning Committee decision to defer the application on 11th January, the proposal has been amended and is now considered to comply with planning policy. It delivers all S106 requirements and also includes natural stone throughout the development.

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 at 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 natural stone, details of which 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

Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 08-Feb-2018

Subject: Planning Application 2017/93449 Erection of detached dwelling and stable and demolition of existing dwelling 675/677, Wyke Lane, Oakenshaw, BD12 7HL

APPLICANT

A Warnett

DATE VALID

10-Oct-2017

TARGET DATE

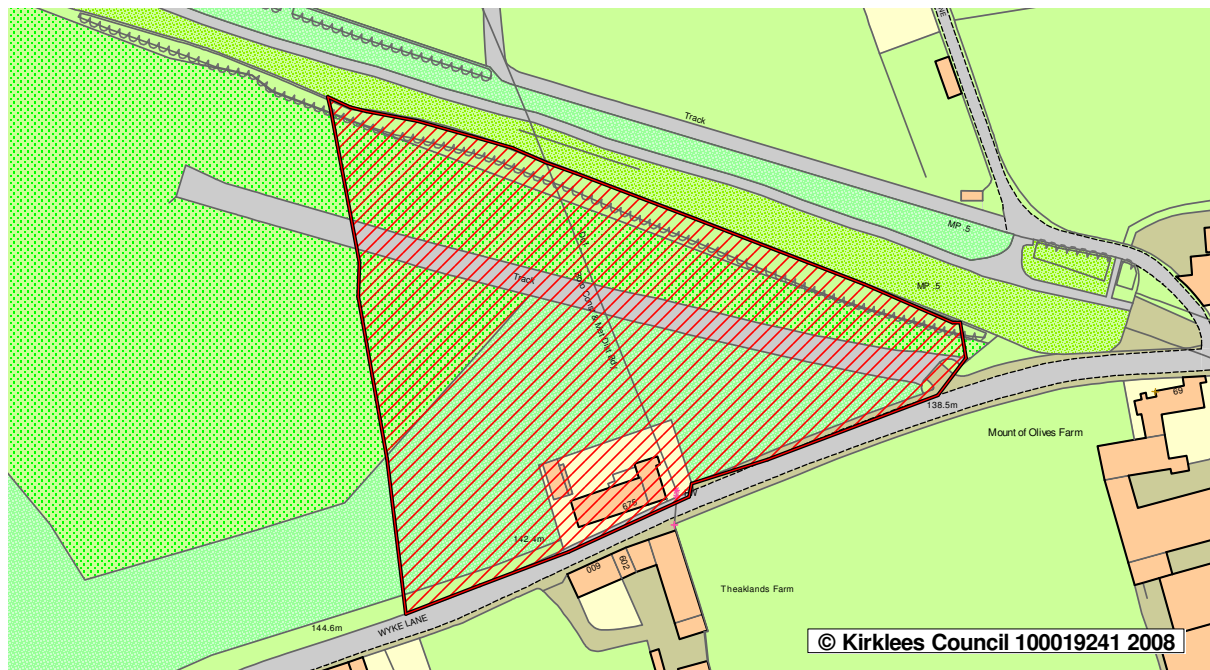
05-Dec-2017

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Cleckheaton

Y/N

Ward Members consulted
(referred to in report)

RECOMMENDATION:

Officers recommend that development is concentrated solely within the area that is unallocated within the Bradford Metropolitan District area avoiding the designated Green Belt within the area that falls within the Kirklees District.

In accordance with Section 101(1) of the Local Government Act 1972 the Strategic Planning Committee delegates its development control powers to Bradford Metropolitan District Council in respect of Application 2017/93449/E for Full application for Erection of detached house and alterations to include conversion of existing house to form double garage and stable block.

1.0 INTRODUCTION:

1.1 This item is to seek the approval of the Strategic Planning Committee to devolve its decision making authority to Bradford Metropolitan District Council in respect of the above cross-boundary planning application

2.0 SITE AND SURROUNDINGS:

2.1 The majority of the application site (including the existing building, garden area and parking) lies within the administrative boundary of Bradford Metropolitan District Council, with a small part of the proposed dwelling and existing driveway access from Wyke Lane to the property within the administrative boundary of Kirklees Council. The application to Kirklees council is under (reference 2017/93449/E).

3.0 PROPOSAL:

3.1 A full planning application has been submitted to Bradford Metropolitan District Council at Wyke Lane, Oakenshaw. It is proposed to partly demolish the existing house (after the new building is constructed) and to retain the existing garage section and part of the existing house wall, that runs along Wyke Lane, in addition to retaining the existing ground which is required due to the proximity of the highway and the fall of the land. This area will be landscaped with terracing due to the slope. The proposed 2 storey, 5 bedroom house will be located away from Wyke Lane and set down at a lower level.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 From our records it would appear that there have not been any previous applications in this location that cross the boundary, however an application submitted under reference 2011/91390 for the erection of a bungalow in the eastern edge was refused by Kirklees Council due to the development being inappropriate in the Green Belt.

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

5.1 Not applicable

6.0 PLANNING POLICY:

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

Kirklees Publication Draft Local Plan: Submitted for Examination April 2017
PLP57 -The extension, alteration or replacement of existing buildings

National Planning Guidance

Chapter 9 Protecting Green Belt land

7.0 CONSULTATION RESPONSES:

7.1 **Statutory: Highways** - K.C. Highways Officers raise no objections in principle but require additional information to ensure the development can be delivered without detriment to highway safety. As such comments have been forwarded to the Bradford Case Officer so that they can feed into ongoing negotiations.

8.0 MAIN ISSUES

8.1 Paragraphs 73-74 of Circular 04/2008 set out the applicable procedures in respect of payment of the application fee:-

"The planning fee is payable solely to the authority of whichever area contains the larger or largest part (within the red line) of the whole application site."

8.2 In this case, the majority of the application site falls within the administrative area of Bradford Metropolitan District Council, accordingly, the application fee is payable solely to them. The obligation on applicants to submit their application to the relevant Local Planning Authority's should be unaffected by the administrative arrangements put in place between Local Planning Authorities for the determination of cross boundary planning applications. Accordingly, where an application site falls within the administrative areas of two Local Planning Authority's the applicant should submit its application to each Local Planning Authority.

8.3 Paragraph 73 of Circular 04/2008 states that where an application site straddles one or more local planning authority boundaries, it is necessary to submit identical applications to each local planning authority, identifying on the plans which part of the site is relevant to each.

8.4 It is strictly possible and lawful for an applicant to formulate two distinct planning applications for each Local Planning Authority. However, such an approach would be artificial since each Local Planning Authority would need to know the details of the development proposed in the other Local Planning Authority's administrative area in order to make an appropriate determination of the application. For example – Kirklees would need to know what the access would serve and Bradford would need to know how access to the development would take place.

8.5 In the absence of alternative administrative or statutory arrangements, a planning application should be determined by the Local Planning Authority in whose administrative area the development is proposed to be carried out. In the case of cross boundary applications, this can lead to two Local Planning Authority's making individual determinations, imposing different conditions on the permissions and entering into separate Section 106 Agreements. In some cases, they may reach different outcomes. This is, of course, undesirable in terms of achieving a coordinated approach to delivering development.

8.6 Section 101(5) of the Local Government Act 1972 authorises two or more Local Planning Authorities to discharge any of their functions jointly. This arrangement can be achieved through the establishment of a joint committee. In practice, this type of arrangement is usually established for larger applications or if it is likely that there will be a number of cross boundary applications. Kirklees and Bradford could choose to establish a joint committee and determine the cross boundary application collectively. In practice however, this approach is not considered to be an efficient use of Council resources for such a small planning application.

8.7 An alternative solution is that Kirklees Council could delegate its decision making powers to Bradford Metropolitan District Council in respect of its determination of any cross boundary planning application submitted to it. Bradford Council, who has been paid the full application fee in any event, would then determine both the application submitted directly to it and the application initially submitted to Kirklees but delegated to Bradford. This is considered by officers to be the preferred option available to the council.

8.8 If Bradford Metropolitan District Council was minded to grant consent for the cross boundary development, it could grant planning permission authorising the development applied for in both of the administrative areas under the two original planning applications. The same applies should Bradford be minded to refuse the application.

9.0 CONCLUSION

9.1 Officers recommend that development is concentrated solely within the area that is unallocated within the Bradford Metropolitan District area avoiding the designated Green Belt within the area that falls within the Kirklees District.

9.2 In accordance with Section 101(1) of the Local Government Act 1972 the Strategic Planning Committee delegates its development control powers to Bradford Metropolitan District Council in respect of Application 2017/93449/E for Full application for Erection of detached house and alterations to include conversion of existing house to form double garage and stable block.

Background Papers:

Application and history files.

Website link to be inserted here: <http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f93449>

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

Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 08-Feb-2018

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

APPLICANT

Keyland Developments
Ltd

DATE VALID

08-Jul-2016

TARGET DATE

28-Oct-2016

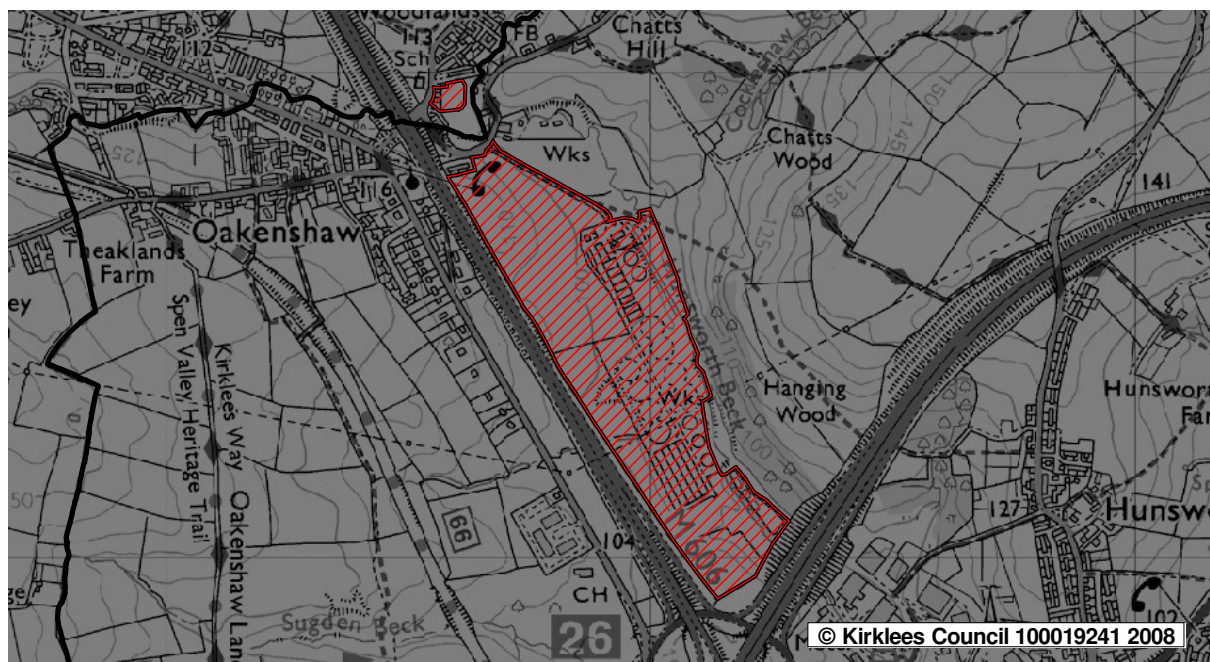
EXTENSION EXPIRY DATE

31-May-2017

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Yes

Ward Members consulted

RECOMMENDATION:

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

1. All off site associated highway works approved under s278 to be completed and made operational prior to any part of the commercial development on this application site being brought into use
2. A financial contribution of £71, 370 (calculated damage costs) to be used towards air quality mitigation measures within the vicinity of the site in the absence of detailed low emission projects equating to the identified damage costs or above, being submitted at reserved matters stage, and
3. £20,000 towards real time passenger information displays to two existing bus stops (reference nos. 14572 and 14567)

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

In addition to the above to secure a Section 106 Obligation (Unilateral Undertaking) from the applicant to provide the proposed 36 space car park, submitted to Bradford Council for Woodlands C of E Primary School application reference no.16/06146/MAO subject to Bradford City Council approving the application.

1.0 INTRODUCTION:

1.1 The application is brought to Committee for determination following the application being presented to Members as a position statement on 30th November 2017, where Members raised a number of issues relating to:

- Reducing gap resulting in coalescence of two settlements
- To review and re consider all the off- site highway proposals
- Overspill of tanks (where did/does this go)
- Anticipated business rates

This report sets out a response to these issues within paragraph nos. 3.4, 10.28, 10.29, 10.32 – 10.34, 10.38, 10.46-48, 10.51, 10.52, 10.76 and 10.77

The assessment report now also makes reference to updated information in relation to noise, contaminated land reports and air quality issues, submitted subsequent to the position statement being heard on 30th November.

A confidential appendix will be circulated to committee members that includes details of the viability assessment so they can consider the viability issues involved with this application.

- 1.2 The application is brought to Strategic Committee as the proposed development would represent a departure from the Council's Unitary Development Plan.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site is located to the southern edge of Bradford between Oakenshaw and Cleckheaton, approximately 15km north east of Huddersfield and 5km south of the centre of Bradford. The site is located off the junction the M606 and adjacent to junction 26 of the M62. The site has undulating topography occupying structures relating to the former waste water works (WWTW) and is bounded to the west by mature landscaping along the M606 with a gently sloping embankment and south by the M62. To the north and east is open land with a wildlife habitat network area beyond the site. Access to the site is taken from Cliff Hollins Lane to the north. There is public right of way which follows the existing access road and crosses the site in the north-eastern corner of the site.
- 2.2 The site covers an area of approximately 23.2 hectares comprising of brownfield land covering a large extent of the central part of the site towards the east which is occupied by the former WWTW structures and greenfield land within the north western part of the site. The site is located within the Green Belt.

3.0 PROPOSAL:

- 3.1 The application as amended is submitted in outline with all matters reserved for the re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8). The supporting indicative details include plans showing parameters of where the proposed employment use/buildings are likely to be sited and where access to the site will be formed by utilising the existing access point shown to be realigned into the site with a spinal road shown running centrally within the site. The proposals although to be largely on the brownfield part of the site would involve extending onto an area of greenfield land, in the north west part of the site.
- 3.2 The application is for 35,284m² of B2 and B8 use with ancillary offices on a 30% B2 and 70% B8 split respectively including associated hard standing service yards and car park areas. The exact size, nature and location of the end users cannot be determined at this stage.
- 3.3 Whilst all matters are reserved for subsequent approval, the submitted information includes indicative details of proposed highway works and a

parameter plan which demonstrates the maximum floorspace and building heights in accordance the requirements of the Environmental Impact Assessment (EIA). This indicates the maximum height and floor space of the proposed buildings/uses could be up to 18m high with a floor space of 35,284m².

- 3.4 A further viability appraisal was received which is based on the quantum of the commercial development only. Details will be included within a confidential appendix that will be circulated to committee members.
- 3.5 For information this is a cross boundary application as an application is submitted to Bradford Council for a new car park to provide 36 car park spaces for Woodlands C of E Primary School on a separate parcel of land which lies in the Bradford district north of the application site.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 None recent relevant applications

5.0 HISTORY OF NEGOTIATIONS:

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

11/08/16 – Acknowledgement of PROW running through the site
17/10/16 – applicant's agreement to pay for assessment of viability appraisal
21/10/16- Technical Addendum, which provides a response to comments raised in relation to the Transport Assessment
09/12/16 – meetings/negotiations with agent/applicant raising a number of issues
07/03/17- agents agreement to extension of time
26/05/17- brief outline concerns following the appraisal of the viability appraisal
10/10/17- preliminary revised master plan for discussions
02/11/17- formal submission of revised plans/details omitting residential element
09/11/17 – receipt of revised Design & Access and Planning Statements.
21/11/17 – receipt of Phase 1 report & revised parameters plan
28/11/17 – Phase 1 report
14/12/17 – phase 11 Geo- Environmental site investigation report
22/12/17 – noise & vibration report dated December 2017
11/01/18 – addendum to Viability Appraisal
11/01/18 – additional sections indicating distance and levels to nearest residential properties, to the north

6.0 PLANNING POLICY:

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

in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

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

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

G6 – Land contamination

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

BE1 – Design principles

BE2 – Quality of design

BE11 – Building materials

DL1 – Derelict and neglected land

DL2 – Reclamation of derelict land

EP4 – Noise sensitive locations

EP11 – Ecological landscaping

NE9 – Development proposals affecting trees

R13 – developments affecting public rights of way

T1 – Transport: Strategy

T10 – Highway Safety

T16 – Pedestrian access

T19 – Parking standards

DL1 – Derelict and neglected land

DL2 – Reclamation of derelict land

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

PLP1 – Presumption in favour of sustainable development

PLP2 – Place shaping

PLP4 – Providing Infrastructure

PLP3 – Location of new development

PLP7 – Efficient and effective use of land and buildings

PLP9 – Supporting skilled and flexible communities and workforce

PLP19 – Strategic transport infrastructure

PLP20 – Sustainable travel

PLP21 – Highway safety and access

PLP22 – Parking

PLP23 – Core walking and cycling network

PLP24 – Design

PLP28 – Drainage

PLP30 – Biodiversity & Geodiversity

PLP31 – Strategic Green Infrastructure Network

PLP32 – Landscape

PLP33 – Trees

- PLP34** – Conserving and enhancing the water environment
- PLP51** – Protection and improvement of local air quality
- PLP53** – Contaminated and unstable land
- PLP59** – redevelopment of brownfield site in the greenbelt

Submission Document SD2- Draft Allocations & Designations- The site is identified as a draft employment allocation (reference E1985a):

Site E1985a

Site no	E1985a
Site address	Former North Bierley Waste Water Treatment Works, Cliff Hollins Lane, Cleckheaton
Ownership	Private
Gross site area (Ha)	14.03
Net site area (Ha)	7.61 - developable area reduced to take account of a Department for Transport highways improvement scheme (M606 and M62), an area affected by a hazardous installation inner zone and a buffer for the Local Wildlife Site.

Constraints	<ul style="list-style-type: none"> • Land to be safeguarded for M62/M606 widening scheme • The access road will require widening into the site as well as improvements to its junction with Cliffe Hollins Lane • Additional mitigation on wider highway network may be required • Public right of way in close proximity to the north of the site • Part of the site is within flood zone 3 • Surface water issues • Potentially contaminated land • Potential for noise impact • Potential for odour impact • Site affected by hazardous installation / pipelines • Proximity to a Local Wildlife Site • Part/all of the site is within a High Risk Coal Referral Area • Power lines cross the site
Proposed allocation	Employment
Indicative capacity (sq.m)	46,451
Reports required	<ul style="list-style-type: none"> • Transport Assessment • Travel Plan • Flood Risk Assessment • Surface water drainage report • Contamination report (Phase 1 and 2) • Air Quality Impact Assessment • Noise assessment • Predetermination archaeological evaluation • Health Impact Assessment • Coal Mining Risk Assessment • Landscape Character Assessment
Other site specific considerations	<ul style="list-style-type: none"> • Enhancements to biodiversity to be considered • Prevention and mitigation to reflect Water Framework Directive requirements • Residential amenity will need safeguarding through sensitive siting of buildings and landscape buffer areas • Development may need to contribute to improvements to the strategic road network if committed schemes will not provide sufficient capacity.

6.4 National Planning Guidance:

Paragraph 7 – Sustainable Development

Paragraph 17 – Core Planning Principles

Chapter 4 – Promoting sustainable transport

Chapter 7 – Requiring good design

Chapter 8 – Promoting healthy communities

Chapter 10 – Meeting the challenge of climate change, flooding and coastal change

Chapter 11 – Conserving and enhancing the natural environment

Chapter 12 – Conserving and enhancing the historical environment

6.5 Other relevant guidance/documents:

Draft Local Plan Technical Paper: Employment (2017)

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

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

Kirklees Joint Health and Wellbeing Strategy

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Subsequent to the application being presented to Members as a position statement on 30th November 2017, the associated highway works were reviewed as suggested by Members. Consequently this has resulted in revisions to the proposed highway works to all three junctions. The publicity period for these revisions expired 6th February 2018. A further 14 representations were received.

Publicity of the application proposals and previously proposed associated highway works was advertised via site notice and through neighbour letters to addresses bordering the site, in line with the Councils adopted Statement of Community Involvement.

A total of 91 representations were received on the initial scheme. Following revised plans omitting the residential part of the scheme a total of 24 representations were received. One of which is a letter in support the others are objections.

The concerns raised of all the representations received are summarised below:

Amenity concerns:

- Noise & light pollution during after hours to properties on Cliff Hollins Lane, these being in close vicinity and in direct view of the site
- major reduction in air quality from the increase in commercial vehicles in the area
- Bungalows on cliff Hollins will be boxed in
- considerable increase in noise and vibration from HGV

- findings of the vibration tests along the A638 Bradford Road in the submitted report are dismissed and do not represent a true reflection
- concerns over increased vibration from HGV on these roads
- conflict between users of proposed housing and industrial on highway and air quality concerns to new residential properties.

Highway concerns:

- Substantial increase in commercial, vehicles and employees of the company commuting to and from work, traffic going up and down Cliff Hollins Lane which is in effect a country lane
- increase in traffic would substantially exacerbate existing problems on the surrounding highways
- Access to and from the development falls into two areas; a) a new roundabout being introduced at the junction of Mill Carr Hill Road and Cliff Hollins Lane.
- Oakenshaw village doesn't have the capacity to cope with the increase in traffic
- The increase in traffic and footfall will endanger children's lives, it is too close to the entrance of the Primary School (adjacent to their playground) exposing them to toxic fumes, the addition of an extra car park and drop off point will encourage more cars to use the area.
- The junction between Mill Carr Hill Road and Bradford Road is already dangerous and has a record of major accidents over the years involving cars and HGV vehicles.
- Concerns over emergency access not only to the new development but also the existing communities.
- The addition of a pedestrian crossing will reduce safety concerns but will exacerbate existing highway safety and traffic flow issues
- Mini roundabout and T junction for Cliff Hollins Lane will not assist traffic flow in and out at this junction
- No mention of incorporating footpaths
- alternative approach roads should be considered to the south of the site.
- The mini roundabout will be difficult for large vehicles to negotiate. It is
- extremely close to school entrance and crossings and will be a
- potential hazard to pedestrians.
- "Proposed site entrance is the scene of many accidents"
- "Do Highways have recent figures on the amount of traffic using Bradford Road, Mill Carr Hill Road, Cliff Hollins Lane – and not counts that are taken in the school holidays".
- Loss of existing footpath in front of bungalows on Cliff Hollins Lane to accommodate proposed realigned access into site.
- Concerns relating to car park would result in loss of green space, entrance would be on blind spot, drainage issues of this area
- No mention of remedial work on the narrow bridge to make it suitable for the additional traffic coming from the new estate nor any improvements to Cliff Hollins

Wildlife/ecology concerns:

- loss of semi rural area and having an impacting on the wildlife
- Loss of animal habitat such as bats and newts.

Concerns relating to constraints on site:

- The site is still constrained by the high-pressure gas pipeline and overhead power cables
- The effect of disturbing a waste treatment site which is believed to have asbestos waste from the old Mintex/BBA site.

Other/miscellaneous concerns:

- The Applicant states that a Consultation has taken place with the community, this was in 2014 for a previous proposal which was completely different to the latest application.
- No consultation with the community about the revised plan
- there is no evidence of a need for additional space
- The loss of Greenbelt from this total site which provides a buffer to urban sprawl.
- neighbouring towns merging into one another in the green belt
- no mention of proposed residential development of Oak Mill – Application 2016/92664 and the cumulative impact of this together with the proposals
- Are these likely to improve employment or merely move current employment and 'streamline
- Other sites discounted as not preferable sites
- The need is questioned
- Forecasted nos. of jobs to be created will not be an accurate figure as many of the jobs are not new jobs, people travel from other sites/places etc. An example of this would be Spring Ram when they said 2000 jobs would be created – they were granted planning permission on Green Belt Land off Mill Carr Hill Road and the 2000 became less than 1000 jobs

None material concern:

- Not enough schools, dentists, doctors shops etc to sustain any more people.

7.2 Local member involvement:

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

Cllr Kath Pinnock and Cllr John Lawson state they “have five areas of concern” and make the following comments:

- “The traffic assessment states that the developers expect 186 2-way traffic movements in the morning peak period which is between 8 and 9. So an extra 186 vehicles, mainly HGVs, on Bradford Road, Mill Carr Hill and Cliff Hollins Lane. As this is the estimate for 2 way traffic, it still means that there will be an extra 93 or so vehicles between 8 and 9 in each direction.
- The proposal at the Mill Carr Hill / Cliff Hollins Lane junction is for Give way for traffic coming down Mill Carr Hill from Tong. There will be car parking created on the land opposite the school for school use.
- At the Mill Carr Hill / Bradford Road junction there will a minor widening of the road. Given the volume of traffic along Bradford Road there will surely be queuing traffic on that bit of Mill Carr Hill adding to road safety fears.

- At Chain Bar, there is already a big problem with traffic queuing from Oakenshaw . Drivers can wait for 20 minutes or more to get onto Chain Bar. More traffic on Bradford Road will only make this much worse. The development is proposing to add an extra lane for access to Chain Bar but this is only for a very short length and will do little to reduce the problem.
- We are already aware that more traffic is using Wyke Lane to avoid the long waits at Chain Bar. This significant extra traffic from the development will only add to this problem.
- We know from national air quality monitoring that the air around Chain Bar and that part of the M62 is heavily polluted. We are extremely concerned that considerable additional traffic, especially of HGVs, will make our air even worse”.

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

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

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

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Government Office – raised no objections and wishes to make no comments
 The Coal Authority – no objections subject to conditions
 Highways England – comments in relation to **Bradford Road approach to Bradford Arm of M62 junction 26 roundabout (Chain Bar Roundabout)**.

Verbal comments received 30th January 2018- subject to the completion of satisfactory safety audits on the amended details which provide adequate

mitigation measures being received, Highways England would support the proposed revised highway works
Environment Agency- no objections
Forestry Commission/Natural England –standing advice
West Yorkshire Ecology – no comments received to date
K.C. DM Highways - No objection in principle
K.C. Strategic Drainage – no objections previously, comments awaited on revised proposals

8.2 **Non-statutory:**

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

9.0 **MAIN ISSUES**

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

10.0 **APPRAISAL**

Background:

- 10.1 This site is a previously-developed and now a disused waste water treatment works, which currently lies in the Green Belt.

- 10.2 The area has not benefitted from new land allocations since the adoption of the Unitary Development Plan, which was adopted in 1999. This is a considerable period of time for a large part of the West Yorkshire conurbation to be constrained by a lack of suitable development sites.
- 10.3 The site is identified as a draft employment allocation (reference E1985a) in the "*Publication Draft Local Plan – Allocations and Designations*" DPD which has been the subject to Examination in Public during October 2017. The Publication Draft Local Plan – Strategy and Policies, identifies a requirement for 165ha of net additional employment land.
- 10.4 This application has been submitted prior to the formal allocation of the site in order to ensure that further growth, in line with the Kirklees and Leeds City Region Economic Plans, is not constrained by a lack of suitable property.
- 10.5 This application proposes a mixture of employment uses comprising of B1(c), B2 and B8. The supporting information states the principal aim of this development is to provide new accommodation for the north Kirklees/South Bradford manufacturing arc, a collection of complementary engineering, manufacturing and design businesses with a strong reputation for delivering gears, valves, pumps, turbos, chemicals and textile products. It also responds to the wider employment market and lack of good-quality land supply.
- 10.6 The site has a number of constraints, including the existing waste water treatment works, pumping station, mine shafts and adits, power lines, a gas pipe and a requirement to safeguard land in the south of the site for an improvement to the M62/M606 junction.
- 10.7 The proposed scheme has also been subject to discussions with both Kirklees and Bradford Councils since 2014. This has involved ongoing liaison with Kirklees Council's Officers, the submission of representations to Kirklees Council's emerging Local Plan, pre-application discussions, meetings with key stakeholders and a public exhibition. Feedback received during the application determination period has been considered and has resulted in a reduction in the development area and the removal of residential development from the scheme.
- 10.8 The application is accompanied with details of the public exhibition carried out prior to the submission of the application set out in the Statement of Community Involvement.

Principle of development:

- 10.9 The starting point for assessment is the National Planning Policy Framework (NPPF), in particular Section 9 entitled "Protecting Green Belt Land". Paragraph 79 of the National Planning Policy Framework (2012) (NPPF) advises that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. Paragraphs 87 and 89 of the Framework include advice that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, and that the construction of new buildings should be considered inappropriate unless they fall within specific exceptions listed at paragraphs 89 and 90.

- 10.10 The NPPF also states when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 10.11 Paragraph 173 of the NPPF refers to plan making, but offers important advice on the principles of considering viability. It notes that pursuing sustainable development requires careful attention to viability. It also notes that to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.
- 10.12 The Framework also clearly expects local authorities to adopt a positive and proactive attitude to decision-taking and foster delivery of sustainable development that delivers growth and improves economic, social and environmental outcomes. Authorities should pursue solutions with applicants and decision-takers (at all levels) should approve applications for sustainable development where they can.
- 10.13 The following paragraphs assess the proposals in light of the above followed by a summary of the matters raised by consultees to date.
- 10.14 **Impact on the green belt & very special circumstances (VSC):**
- 10.15 Other than the exception of two buildings the site consist mainly of low level development in the form of hard standings and water tanks below ground level which is concentrated mainly to the east and south areas within the application site with the remainder of the site undeveloped. The supporting information states the site is previously developed and already compromises the extent to which its green belt purposes are fulfilled and as such the harm from the proposals will be limited.
- 10.16 The proposals are shown to provide up to 35,284m² of employment use on 7.08ha not including the car park area submitted to Bradford Council. Whilst, the proposals are submitted in outline, the accompanying information sets out the maximum scale and height (18m) of the buildings for the employment uses. Thus the proposals are considered would have a greater impact on the openness of the green belt and the purposes of including land within it than the existing low level development. Furthermore, developing on the greenfield part of the site would result in further encroachment beyond the limits of the brownfield part of the site. The applicant does not dispute this and states the proposals have been considered against the purpose of including land within the green belt as set out in paragraph 80 of the NPPF.
- 10.17 Paragraph 79 of the NPPF stipulates that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and permanence.
- 10.18 The site lies in an area washed over by green belt and whilst it is acknowledged that there is development on the west of Bradford Road, the site is detached from any settlement. The brownfield part of the site has been put forward for consideration as an employment site on the emerging deposited Local Plan.

This does not include the greenfield part of the site and as such it would be contrary to the purposes of including land in the green belt. As noted above the Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

- 10.19 Having reviewed Bradford Council's proposals maps an area immediately beyond the green field part of the application site adjoining the boundary with Kirklees is retained as green belt. The distance from the Bradford boundary to the Kirklees local plan employment allocation is approximately 474m. This distance would be reduced to approximately 219m to the nearest block (based on the indicative layout submitted). Developing the greenfield part of the site would see the current separation distance between the two neighbouring towns of Oakenshaw and Cleckheaton being reduced (albeit noticeably less than the original proposal which included dwellings being located closer still to the site boundary than the revised plans). It is recognised the harm to this purpose would be limited due to the brownfield portion of the site. Nevertheless the resultant impact would come from developing a portion of the greenfield part of the site and result in a further loss of the countryside which does result in some unrestricted sprawl and narrowing the gap of built up areas.
- 10.20 The applicant's case for VSC to justify the above identified harm is based on the need for more employment land in the interim period prior to the adoption of the PDLP to encourage economic activity in the area.
- 10.21 Firstly with regards to employment land, the supporting information states the current UDP was adopted in 1999 and provided land allocations for the period April 1993 to April 2006. It goes on to state, to present day there has been no new employment land allocated for 23 years and as such the employment land supply in Kirklees is limited and unlikely to be suitable to meet the requirements of modern businesses as it was not intended to meet the needs from 2006 onwards. This view is consistent with the Council's own evidence where a critique of the current employment land supply has been undertaken to inform the emerging Kirklees Local Plan. The key findings from this assessment has been set out in the 'Kirklees Local Plan Employment Technical Paper' paragraphs 7.1- 7.8.
- 10.22 In view of this, the supporting information makes reference to the Kirklees Economic Strategy (KES) which aims to make Kirklees the heart of a growing manufacturing and engineering cluster, to enable the creation of employment and see this sector grow at twice the rate of the wider economy. The information recognises that the KES notes that the engineering and manufacturing sectors are also pronounced in neighbouring Bradford and Calderdale and that the sector locally is a priority for the Leeds City Region.
- 10.23 Officers agree that new strategic employment sites are needed to increase the volume of land available for employment and to meet key business sectors, particularly of this scale as set out in the KES. To clarify the brownfield part of

the site would support the economic objectives by providing land in a strategic important location which is of sufficient size to support the needs of larger businesses. However, in light of the identified constraints, the redevelopment of this brownfield site has resulted in a challenging viability equation. Officers are of the opinion and acknowledge the high abnormal costs must be balanced with adequate returns in accordance with paragraph 173 of the NPPF. The National Planning Practice Guidance advises decision must be underpinned by an understanding of viability, ensuring realistic decisions are made to support development and promote economic growth.

- 10.24 The proposals to provide employment use on this site with good accessibility to transport would be seen as a positive step towards opportunities for new investment and employment in the district.
- 10.25 Turning to the need for developing the greenfield part of the site, the fundamental reason for proposing development on this part of the site is stated to enable a viable scheme enable the redevelopment of this brownfield site which has a number of identified constraints.
- 10.26 The applicant states in total of 14 development options have been considered to find a viable scheme. The scheme before Members has been revised omitting the 101 dwellings which were previously proposed on the greenfield part of the site to the north west. The proposals were accompanied with a viability appraisal which stated that the proposed employment uses of the site can only be viably developed if the local planning authority allows enabling development in the form of 101 residential units.
- 10.27 The viability appraisal accompanying the application was independently assessed on behalf of the Council. Basically, the original conclusion was such that a planning compliant scheme is not viable unless enabling development was permitted which would in this case need to be accommodated on a proportion of the greenfield part of the site. In view of this and a number of other environmental concerns for the future residents of the residential dwellings in close proximity to the motorways and industrial uses, the plans have been revised omitting all the residential dwellings and replacing this with industrial uses. Moreover, the intake of area of greenfield to be included in the redevelopment of this site has now been reduced to approximately half that previously shown for the residential dwellings.
- 10.28 In view of the above and comments from Members on 30th November a further viability appraisal was submitted based on the quantum of the commercial development only as proposed on the revised plans. The viability appraisal has been assessed independently on behalf of the council and demonstrates that the proposals with the amount of floor space proposed alone for the site, does not make an excessive or windfall profit. In view of this Officers are of the opinion the revised proposals which includes an area beyond the brownfield part of the site would be commensurate with that required to enable the development of an employment only scheme and moreover would retain an adequate level of separation distance between Oakenshaw and circumvent coalescing with this neighbouring town.
- 10.29 Furthermore, it has been verified by the Council's independent assessor who states "the cumulative effect is that my planning compliant appraisal generates a viable scheme comprising 7 industrial units and producing a developers profit of 15% of Gross Development Cost". The valuer also advises that the profit

level to be achieved is in accordance with the level of return one would normally expect to see from similar schemes and would not be excessive when accounting for the development risks associated with developing the site speculatively. This is considered to be at a level which should be able to attract a developer to consider the site. This is in accordance with both the NPPF and NPPG which encourages the effective use of brownfield land, having particular regards to viability to incentivise bringing brownfield sites back into use.

10.30 The following now considers the harm to the green belt for the purpose of including land within it as set out in paragraph 80 of the NPPF, in particular the four bullet points which are relevant.

- *Checking the unrestricted sprawl of large built-up areas*
- *Preventing neighbouring towns from merging*
- *Safeguarding the countryside from encroachment*

10.31 The site is well-contained with recognised potentially permanent long term boundary features to the east, south and west in the form of motorways and an area of woodland and a Site of Wildlife Significance to the east. This together with the topography limits the extent to which an extension of development could be viewed beyond these boundaries.

10.32 The proposals to develop the brownfield part of the site would undoubtedly result in a sprawl of a built up area thus reducing a strategic gap between the main urban areas of south Bradford and the north of Cleckheaton. However, due to it being largely brownfield land, the openness of the green belt is already compromised thus having the effect of decreasing this separation distance between main urban areas. Officers are of the opinion to confine the proposals to the proposed developable area is the minimal uptake of land required to ensure a policy compliant viable scheme. Importantly it is noted the uptake of land as proposed is also less than the amount of employment land expected to be delivered on this site by the emerging publication draft Local Plan.

10.33 Bradford DM Planners have been consulted, who advised given that the site straddles the border with Bradford Council, it would be appropriate for a suitable landscaping scheme to be incorporated to minimise the visual impact of the development on the green belt.

10.34 Further section drawings are received which demonstrates the proposed levels within the site and distances to be achieved. Section F-F demonstrates existing land levels to the northern part of the site to be retained, beyond the proposed developable areas. Whilst retention of higher land levels at this point would mitigate some of the impact from the proposed development, which would sit on lower ground, subsequent reserved matters applications would need to include the provision of a landscaping scheme to be agreed on the edge of the developable area as shown on the submitted indicative plan. The applicant is agreeable to this

10.35 With regards to the countryside, again the proposals would compromise and result in the loss of some of the countryside. Accordingly, harm to the three purposes of including land in the greenbelt are however, already compromised due to the site being largely brownfield land.

10.36 Turning to the fifth relevant purpose (bullet point) of paragraph 80 which reads:

- Assist in urban regeneration, by encouraging the recycling of derelict and other urban land

10.37 The assessment above clearly identifies the proposals will to some extent conflict with some of the purposes of including land in the Green Belt resulting in inappropriate development, which should not be approved except in Very Special Circumstances (VSC) as is set out in paragraphs 88 and 89 of the NPPF.

10.38 To summarise, Officers have given substantial weight to this harm and consider VSC exist which outweigh the identified harm. As discussed above, the VSC are the identified need for more strategic employment sites at the current time and the development of this largely brownfield site, which would assist in urban regeneration by encouraging the recycling of derelict land. Thus the proposals would provide social gain through the provision of additional employment, job creation bringing economic gains by providing business opportunities for contractors and local suppliers not only during the construction phase and on completion by creating additional demand for local services and potentially increasing use and viability of local services. Moreover the employment uses would create employment and support the needs of the KES in a location with good transport links and contribute to the building of a strong economy.

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

10.40 The application documents include an indicative site block plan which demonstrates how the site could be developed. Whilst, this layout is acceptable in principle, consideration would need to be given on any subsequent application to the scale, design and materials to ensure the proposed buildings do not significantly detract from the openness of the greenbelt to accord with Kirklees Unitary development plan Policies BE1 and BE2, policies PLP24 and PLP59 of the Publication Draft Local Plan and guidance within the National Planning Policy Framework.

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

10.42 UDP Policy EP4 states that: “proposals for noise sensitive developments in proximity to existing sources of noise, or for noise generating uses of land close to existing noise sensitive development, will be considered taking into account the effects of existing or projected noise levels on the occupiers of the existing or proposed noise sensitive development.”

10.43 The NPPF Paragraph 109 states that “the planning system should contribute to and enhance the natural and local environment by... preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability...”

10.44 With regards to noise, Environmental Health Officers requested an updated noise report, specifying the measures to be taken to protect the occupants of nearby noise sensitive premises at 6 – 16 (even numbers) Cliff Hollins Lane and 561 – 591 (odd numbers) and 626 - 676 (even numbers) Bradford Road from noise from the proposed development.

- 10.45 The indicative site/block plan indicates approximately a distance of 190metres to be achieved between the existing residential dwellings to the north west of the site to the nearest proposed commercial unit (no.6). Whilst this is considered to be an acceptable distance from these residential properties, to further mitigate any potential noise concerns, Officers are of the opinion there is an opportunity to use the commercial unit closest to the existing residential properties at Cliff Hollins Lane as an acoustic barrier for the remainder of the site with the service yard and external plant areas area to be sited away from the outer edge of the proposed developable area, to accord with UDP Policy EP4 and PLP52 of the Publication Draft Local Plan and guidance within the National Planning Policy Framework.
- 10.46 With regards to air quality the Air Quality Assessment (AQA) Chapter of the accompanying Environmental Statement Addendum, determines the potential air quality impacts during the construction and operational phases of the proposed development. Specifically, these are the impacts of road traffic emissions of nitrogen dioxide and fine particulate matter, albeit consideration has also been given to dust impacts during the construction phase. The AQA concluded that the background pollutant concentrations at the proposal site are well below the relevant annual mean objectives, and pollutant concentrations are predicted to decrease in the future due to anticipated improvements in vehicle technology regardless of whether the proposed development goes ahead or not.
- 10.47 The largest impacts due to the development have been predicted at receptors located on Bradford Road, near the junction with Mill Carr Hill Road and those on Cliff Hollins Lane, near to the site entrance. Environmental Health Officers on assessment of the amended Air Quality Impact Assessment confirm this now includes damage costs as previously requested. However it does not allocate these against any mitigation low emission projects to offset the impact from the development. In light of this the applicant is agreeable to accept a grampian worded condition which shall require the submission of low emission strategies to be submitted and approved, to the value of the identified damage costs of (£71, 370) to be incorporated into the proposals. Failing this, a contribution of the identified cost would need to be secured through a Section 106 as set out in the recommendation.
- 10.48 In addition to the above a separate condition will also be imposed requiring electric charging points within the car park areas to promote the use of electric vehicles and to ensure the cumulative impacts on air quality have been taken into account in accordance with the West Yorkshire Low Emissions Strategy and Policy PLP 24 of the Publication Draft Local Plan and paragraph 124 of the NPPF.
- 10.49 **Highway issues:**
- 10.50 Policies T10 and T19 of the Unitary Development Plan (UDP) sets out the matters relating to highway issues and parking standards against which new development will be assessed in terms of highway safety. Policy PLP 21 and 22 of the Publication Draft Local Plan endorses new development shall will normally be permitted where safe and suitable access to the site can be achieved for all people and where the residual cumulative impacts of development are not severe.

10.51 One of the matters Members raised on 30th November was for a review and further consideration be given to all the proposed associated highway works, prior to the application being brought back to committee. Consequently, meetings were held between representatives of the applicant along with both Kirklees and Bradford Highway officers/engineers. This has resulted in revised highway proposals at two of the junctions. The following sets out the original highway proposals and the revised proposals including those submitted separately to the neighbouring authority.

1. **Mill Carr Hill Road / Bradford Road Junctions.** A pedestrian crossing was proposed on Bradford Road with minor road widening.

It was proposed to provide a pedestrian crossing on Bradford Road to the north of Mill Carr Hill Road. This crossing was not considered necessary given that there is an existing pedestrian crossing in the vicinity of the Bradford Road / Wyke Lane junction and it would be sited in front of residential property on Bradford Road where the footways are narrow and there is an adjacent vehicular access.

It is now proposed to provide a road widening scheme to allow a left and right turning lane at the junction. A pedestrian island is shown to be provided as part of this scheme to improve pedestrian access to and from the School. This is shown on AECOM drawing 60345322-P-003 Rev C.

These proposals are considered acceptable in principle to highways subject to the completion of satisfactory stage 1 and 2 safety Audits.

2. **Cliff Hollins Lane / Mill Carr Hill Road Junctions.**

Following discussions with Bradford this requirement has been reviewed and a change in road priority at this junction with a new gateway feature on Mill Carr Hill Road is preferred to the roundabout. This has been shown indicatively on plan number 60345322-SKE-001.

Bradford Council has confirmed the details shown on plan Ref: 60345322-SKE-001 are acceptable as an indicative drawing for the change in priority at the junction of Mill Carr Hill Road and Cliff Hollins Lane. Notwithstanding this the associated highway works would need to be worked up in more detail when the s278 Agreement is being completed. In addition whilst the proposals are considered acceptable to highways, this would be subject to the completion of satisfactory stage 1 and 2 safety Audits, which can be conditioned.

3. **Site Access.** The re-alignment of Cliffe Hollins Lane

As part of the development proposals, it is proposed to amend the priority of Cliff Hollins Lane at the site access so that the development traffic has right of way and the continuation of Cliff Hollins Lane towards East Bierley then gives way. This is shown indicatively on plan no. 60345322-001

This arrangement is agreed by highway officers of both authorities given that the levels of development traffic will be greater than those travelling along Cliff Hollins Lane, and by changing the priority it makes it much less likely that any development traffic, particularly HGVs' would miss the site access and continue north along an unsuitable road

4. **Mill Carr Hill Road.** The proposed new car park for the Woodlands Primary School with a zebra crossing and footway improvements as shown indicatively on plan number 60221630-M003-P-004 rev A, are under consideration by Bradford Council. It is important to note whilst this would be a desirable provision for the school, this facility is not necessarily required for the delivery of the proposed commercial development on the application site.

5. **Bradford Road approach to Bradford Arm of M62 junction 26** roundabout (Chain Bar Roundabout). These works include widening of the approached to the roundabout to create 3 lanes. These works are shown on plan number 60221630 rev 2.

These works are considered acceptable to Highways England subject to the completion of satisfactory safety audits with mitigation measures being received.

6. In addition two 7.5 tonne lorry bans are proposed to Cliff Hollins Lane and Wyke Lane to prevent HGVs from the site using unsuitable roads.

West Yorkshire Combined Authority comments:

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

As part of this scheme, Real Time Passenger Information displays could be provided at these stops (£10,000 per stop) to improve the public transport offer. This will be secured through a S106 agreement as set out in the recommendation

10.52 To summarise, Officers are of the opinion the indicative associated proposed highway works are acceptable in principle. However, these proposals would need to be worked up in more detail with revisions under a s278 Agreement. The off-site associated highway works would be secured through a S106 agreement, to be signed by all interested parties. In addition the proposals would be subject to the completion of satisfactory stage 1 and 2 safety Audits. (to be conditioned). On the basis of the above, it is considered the proposals would be served adequately by the local highway network, subject to completion of all the highway improvements works being completed in accordance with the approved s278 works in accordance with Policies PLP 21 and 22 of the Publication Draft Local Plan and Policy T10 of the UDP.

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

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

10.55 Also of relevance is UDP Policy NE9 seeks to retain mature trees on development sites. The importance of retaining trees is also highlighted in

paragraph 118 of the NPPF. Publication Draft Local Plan Policy PLP 33 states permission will not be granted which directly or indirectly threaten trees or woodland of significant amenity.

- 10.56 The most significant tree related constraint to the site comes from the adjacent ancient woodland beyond the eastern boundary. It is acknowledged this area is also identified as a local wildlife site on the Publication Draft Local Plan. Whilst the Council's Arboricultural Officer raise no objections in principle, it is advised any future applications be accompanied with a tree survey and Arboricultural Method Statement, in accordance with BS5837 in order to fully appraise the potential impact and risk to both trees on site and the adjacent ancient woodland.
- 10.57 Furthermore, the submitted indicative proposals give provision for a buffer of approximately 10m from the adjacent ancient woodland, Hanging Wood. However as the guidelines from Natural England are 15m standoff to all ancient woodlands the tree survey and method statement would need to address how the woodland can be protected both during construction and following completion on future reserved matters applications.
- 10.58 Turning to ecological and biodiversity interests, the Biodiversity Officer on assessment of the ecology information raises no objection to the proposals subject to suitable mitigation/enhancements measures and the recommendations of the ecological chapter of the submitted Environmental Appraisal being carried out and incorporated in to future redevelopment of this site.
- 10.59 With regards to the landscape, firstly the spaces around the employment areas have not been designed as a 'green streets' accessible setting for those working here or exercising at lunch times or break times. There is an opportunity to make this a high class well designed employment site with consideration of its workforce with opportunities for accessible greenspace for all. Health and well-being should be a prime consideration in these times and having green space close by should be at the minimum accessible. This is also reiterated in the recommendations suggested by Public Health Officers in accordance with the objectives of the Kirklees Economic Strategy (KES) and the Kirklees Joint Health and Wellbeing Strategy documents (JHWS). The documents associated with this planning application refer to the KES, but there is no mention as to how it will contribute to the aims and objectives within the JHWS. This needs to be included in future proposals at reserved matters stage.
- 10.60 Turning to the outer edges of the site it is currently intermittently screened from the adjacent roads with the existence of mature trees and undulating land levels. Further native planting along the outer boundaries together with the enhancement and management of the existing hedgerow could support and strengthen this green corridor. Moreover, well designed and effective mitigative planting is important and high quality well placed naturalised planting throughout the site would be advantageous to mitigate the impact on the greenbelt and act as noise barriers to neighbouring development. Again this would need to form part of the landscape details on future submissions.
- 10.61 The supporting information recognises that there will be an effect on the Green Belt as a result of the development and the character of the site will change. It also recognises the significant visual effects that will be caused to properties on the higher ground to the north of the development, as well as on

local footpath users. In view of this, mitigation measures are intended to be proposed that seek to address the effects set out above. These will be set out in the landscape masterplan which is intended to reflect the field patterns of the adjacent landscape and use topography, woodland blocks, hedgerows and trees to aid screening to break up the massing of the development. The mitigation measures will also act as an aid to reduce the effects on nearby residential receptors.

10.62 To summarise any future layout of the site should be designed to incorporate a sensitive landscape scheme and the above suggested measures to and to provide green streets and areas accessible for future users of the site and its surroundings, to accord with Policies PLP2, PLP3, PLP24, PLP31, PLP32, PLP33 and PLP34 of the Publication Draft Local Plan and Policies BE1, BE2 and EP11 of the UDP and guidance within the NPPF.

10.63 **Flood risk & Drainage issues:**

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

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

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

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

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

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

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

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

10.71 On assessment of the submitted Phase 1 and Phase 2 contaminated land reports received in November 2017, the Environmental Health Officers advise:

Phase 1 Environmental Site Assessment report by URS Corporation Ltd dated November 2006 (ref: 44320048) report identifies the former uses of the site including coal and iron pits with mine entries on site, also a tramway as well as the various developments associated with the former waste water treatment works. The report considers that there is likely to be made ground across the site associated with the previous development and levelling of the site and that the site could be potentially contaminated or grossly contaminated by that past use. The potential risk to the nearby Hunsworth Beck is also noted. The report recommends progressing to a Phase 2 intrusive survey including ground gas monitoring. Even though the report is 11 years old Environmental Health officers consider that the recommendations would be that same if more up to date information was also included. Therefore the report is a satisfactory Phase 1 Contaminated Land Reports and its recommendations are agreed with.

A Phase 2 contaminated land report has also been received and considered by Environmental Health officers. Environmental Health officers response relates to the contaminated land aspects of the report who confirm the report is satisfactory and the recommendations set out in the report are agreed with. In view of this, other than a condition dealing with unexpected contamination that may be encountered during the construction of the development, Environmental Health Officers advise no further site investigations or remediation work is recommended for the proposed development.

10.72 The Coal Authority concurs with the recommendations of the Environmental Statement (July 2016, prepared by Turley); that coal mining legacy potentially poses a risk to the proposed development and that further intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. The Coal Authority recommends a number of conditions to address potential risk as set out in their consultation response dated 16th November 2017. Subject to the above, Officers are satisfied that contaminated land issues could be satisfactorily addressed for the proposed development on this site in accordance with guidance in the NPPF and Policies PLP52 and PLP53 of the Publication Draft Local Plan and Policy G6 of the UDP.

10.73 **Representations:**

10.74 The preceding paragraphs address the concerns received.

10.75 **Other matters:**

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

10.76 The applicant submitted a viability appraisal which has been assessed by one of the council's independent viability advisors. These details contain commercially sensitive information that will be included within a private appendix that is exempt from public view. When the application was presented to committee as a position statement Members also requested predictive levels of investments along with information on the over spillage of the existing water tanks. With regards to employment/ investment forecasts, the following information is received:

The Proposed Development will have the following effects during the construction and operational phases:

Construction Phase

- Directly support 125 FTE gross construction jobs on site per annum over the construction period, of which 84 FTE could be supported within the local area.*
- Generate an additional £7.3 million in GVA for the wider economy for each year of construction.*

Operational Phase

- Support a total of 388FTE jobs in the local area, and a total of 770 net additional FTE jobs across the wider impact area once leakage and multipliers are included.*
- Generate £32.8 million in GVA annually in the wider impact area, of which £15.9 million GVA could be supported in the local impact area.*
- Generate circa £590,000 business rate revenue per annum could be retained by Kirklees Council*

10.77 Turning to the overflow/spillage of existing water tanks the applicant has yet to respond to this matter. Any information received shall be included in the committee update or on the day of committee.

11.0 CONCLUSION:

11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other

material considerations. It is considered that the development would constitute sustainable development.

- 11.2 Subject to conditions, the revised plans/details address the highway, greenbelt and air quality issues previously raised. In addition, in view of the identified constraints, the redevelopment of this brownfield site has resulted in a challenging viability equation. The revised proposals would, in the opinion of officers, enable the development of a viable employment only scheme being brought forward whilst retaining an adequate level of separation distance between Oakenshaw and Cleckheaton.
- 11.3 To conclude, the proposals would not only assist in regeneration of a long standing derelict site but also provide social gain through the provision of additional employment, job creation with good transport links. Additionally the proposed development will bring economic gains, during the construction phase and on completion by creating additional demand for local services and contribute towards building a strong economy.

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

1. Approval of access, layout, scale, appearance, and the landscaping of the site reserved matters (standard O/L condition)
2. Plans and particulars of the reserved matters (standard O/L condition)
3. Application for approval of the reserved matters (standard O/L condition)
4. The timeframe for implementation of the development (Standard O/L condition)
5. Appropriate mitigation and enhancement measures as advised by the Biodiversity Officer
6. A lighting design strategy for biodiversity, for the whole development
7. Yorkshire Water conditions
8. Environment Agency conditions
9. Coal Authority conditions
10. Tree survey and Arboricultural Method Statement, in accordance with BS5837, in order to fully appraise the potential impact and risk to both trees on site and the adjacent ancient woodland. This should demonstrate how the trees can be protected both during construction and following completion.
11. Details for the treatment and enhancement of existing Public right of way
12. Lead Local flood Authority conditions
13. Highways Conditions

Background Papers:

Application and history files as noted above

Website link to be inserted here

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f92298>

Certificate of Ownership – Notice B served on Mr M Pattinson & Leslie Stephen Driver

KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY STRATEGIC PLANNING COMMITTEE

8 FEBRUARY 2018

Planning Application 2017/93488

Item 10 – Page 27

Outline permission for erection of 96 dwellings and planning permission for infill of land

Land at Walkey Terrace and Brunswick Street, Heckmondwike

Since the completion of the committee report the following information/documents have been received:

(i) comments have been received from Cllr M Bolt regarding this proposal. These comments are therefore reproduced in the update for members' attention:

"...Although recommended for refusal I feel I must make comment on the above application in case it progresses, as I fear information may be missing

This land has been a missing link in Kirklees sustainable transport corridors for some time, and with recent news that former lines such as Skipton-Colne and Oxford-Cambridge are being considered for reopening I feel a generic point and policy needs considering for former rail corridor developments.

Whilst this line has been lost due to the lack of such policy others may still be salvaged

The officer report says that the land has no designation in the UDP, which is not true, I have checked to make sure I wasn't mistaken and it clearly has designation as a green corridor policy D6 and T18 as a cycling/pedestrian route (or Greenway as we named them in Kirklees)..."

<http://www.kirklees.gov.uk/beta/planning-policy/pdf/udp/maps/3.pdf>

para 10.2 The site is unallocated in the Unitary Development Plan although is identified as a wildlife corridor and a potential pedestrian/cycle route. Within the emerging local plan, the site was promoted as a potential housing allocation but was rejected by the Council due to concerns about the likelihood of the resolution of significant identified constraints in order that the site could be brought forward during the plan period. Consequently the site has not been allocated for any specific purpose within the local plan but has been identified as providing a potential link to the district's Core Walking and Cycling Network.

Is in my view wrong as it doesn't provide a link, but is an integral part of the Greenway network , a link by definition is a connection , whereas this is a through route

The report on which committee will make a decision refers to

This proposal would reduce the possibility of creating a link to the wider cycle network.

Response:

The proposal does include the provision of a further extended link to the Spen Green Way and therefore offers an opportunity to extend the cycle and pedestrian network in accordance with the Council's objectives both within the Unitary Development Plan and the emerging Local Plan.

But there is no detail in the report about this proposed provision ,where is this to be found and shouldn't all material information be in the report for members to read and consider? What is the proposal in terms of path size and surfacing please?

If the site is accepted in the local plan as unallocated, what is the intention to deliver the cycle route link after nearly 20 years of waiting?

Officers response to Cllr Bolt's comments:

As indicated in para 10.2 which Cllr Bolt reproduces in his comments, the committee report makes it clear that the UDP identifies the site as a wildlife corridor and a potential cycle/pedestrian route. These designations are not allocations.

With regard to the use of the sentence. "Consequently the site has not been allocated for any specific purpose within the local plan but has been identified as providing a potential link to the district's Core Walking and Cycling Network.", it is accepted that the following wording would better describe the current status of the site:

Consequently the site has not been allocated for any specific purpose within the local plan but has been identified as an indicative route forming part of the district's Core Walking and Cycling Network as it could provide a link to existing operational infrastructure.

Para.3.2 of the committee report makes it clear that this application seeks permission for the formation of a cycle/pedestrian link to the current spur from the Spen Greenway. This will be expanded upon when the application is presented to committee.

As previously indicated, whilst the site is unallocated in the emerging local plan an indicative route is identified as forming part of the district's Core Walking and Cycling Network. Consequently when opportunities arise through the planning process, this aspiration will be a material planning consideration.

(ii) A petition against the proposal containing 276 signatories. The issues raised in the petition have been addressed in the committee report.

(iii) A further 2 representations have been received objecting to the proposal. Again the issues raised have previously been addressed in the committee report.

(iv) Whilst not requesting a formal amendment to this proposal, the applicant has suggested that the temporary access proposals associated with the landfill operation could be improved by the inclusion of traffic signals to control HGV access to and egress from the site.

Whilst it is acknowledged that such measures do have the potential to improve highway safety, it is considered that the nature of this development is such that the use of signals in this location is unlikely to lead to significant improvements and overcome the likely adverse impacts.

Landfill sites often operate on a campaign basis with intense periods of activity reflecting the fact that developers require material to be removed from their site quickly to facilitate their construction deadlines. Consequently HGVs can arrive at the landfill destination with very little time between deliveries. It is therefore important that there are sufficient measures to get HGVs off the highway quickly to prevent vehicles queuing. It is considered that, in this case, there is a real possibility that HGVs will queue onto the highway network prior to accessing the site causing a significant risk to highway safety.

Planning Application 2017/94080

Item 11 – Page 47

Erection of precast concrete production unit, demolition of existing casting shed and ancillary buildings, associated site works to modify external storage areas and installation of gantry cranes

**C R Longley And Co Ltd, Ravensthorpe Road, Thornhill Lees,
Dewsbury, WF12 9EF**

Appraisal

The report details the following outstanding matters to be resolved:

- The assessment of flood risk and the proposed drainage strategy
- The impact of HGV movements upon Air Quality Management Areas (AQMA's) in Scout Hill and Dewsbury
- Hours of operation for deliveries and dispatches to and from the site
- The provision of landscaping within the site

Flood risk & drainage:

Additional information provided by the applicant is still being considered by the Environment Agency and the Lead Local Flood Authority.

Air quality:

Whilst the applicants transport statement does not anticipate an increase in HGV movements as result of the development proposed, KC Noise & Pollution express concern that there is potential for an increase in HGV movements once the development is operational, given that operations will be

more efficient, with the potential impact this could have upon air quality within AQMA's in Scout Hill and Dewsbury.

It is therefore proposed that a condition be imposed, requiring that an air quality impact assessment be undertaken once the development has been brought into use and that any mitigation measures necessary at that point in time be implemented.

Hours of operation:

Officers are negotiating the hours of proposed deliveries to and dispatches from the site with the applicant. The hours of use of operations within the site remain unchanged from existing. It is intended that a condition be imposed to control the hours once agreement has been reached.

Landscaping:

The applicant has agreed to provide landscaping within the site to the boundaries with residential properties and the adjoining land allocated as Provisional Open Land (POL) in the UDP.

It is therefore proposed to impose a condition requiring approval of a landscaping scheme and its subsequent implementation and maintenance.

The applicant has provided the following clarification about the movement of vehicles within the site:

Understandably residents are accustomed to seeing concrete trucks collecting from the batching & mixing plant and moving the concrete around site to the various temporary buildings. Under the proposal these vehicle movements would cease. Concrete is delivered to the new building by the overhead concrete transport system to shuttle concrete between batching, mixing and the casting facility.

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 the main report and this update report and to resolve the following matters:

The assessment of flood risk and the proposed drainage strategy
The hours of proposed deliveries to and dispatches from the site

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

Outline application for redevelopment of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8)

Former North Bierley Waste Water Treatment Works, Oakenshaw, BD12 7ET

A private paper including confidential details has been sent to Members of the Planning Committee so they are aware of the financial implications of the current proposals. This is based on the reduced amount of intake of greenfield than was originally submitted to the Council and based on the quantum of the commercial development only as proposed.

Further consultee responses/comments :

Environmental services consider the assessments in the additional reports in relation to:

- short term noise and vibration assessment from construction activities,
- Long term noise from site activities including vehicle movements reverse alarms,
- Long term noise from fixed plant,
- Long term noise from traffic movements on site,
- Short and Long term noise from traffic movements on the public Highway, and
- Long term noise from car parking at the school car park

are satisfactory subject to conditions which would include the submission of a Construction Environmental Management Plan and mitigation measures to be incorporated into the final detailed proposals of the site as set out in the response from Environmental Health Officers dated 26th January 2018.

Highways England have requested a condition be included to ensure no development is carried out on safe guarded land identified in pink on the submitted plans.

Response: this can be included on the decision notice should Members be minded to approve the proposals.

Additional Representations received:

A further 24 representations are received since the completion of the committee report. The concerns of which are summarised below:

- Cliff Hollins Lane not suitable for heavy industrial traffic
- Concerns in relation to the proposed revised associated highway works and whether these would work
- Impact on highways queueing traffic would contribute to increasing air and noise pollution
- Highway safety concerns on pedestrians and other users of highways from intensified use by heavy good industrial traffic

- The entrance onto Chain Bar from Bradford road is the only one which isn't regulated by traffic lights additional traffic would add to existing highway concerns at this point.
- New road junction close to Woodlands First School would raise highway safety concerns
- New zebra crossing too close to a blind spot

Response: all associated revised highway works have been considered by Highway engineers/officers of both Kirklees and Bradford Council. In addition Highways England have been consulted on the Chain bar improvement works to introduce an additional lane link to the roundabout. In principle the proposed highway works are acceptable and considered would not adversely impact on the strategic or local road networks.

- Is the area at junction of Bradford Road/Mill Carr Hill Road adopted by the school to put their Christmas tree and where a bench has been provided by BASF for the elderly to use and the general area, to be removed to accommodate the proposals?

Response: This area is identified as council owned land, which is considered necessary for the road improvements. It may be possible to relocate the bench and identify another area for the siting of the Christmas tree.

- Viability assessment not available for public viewing

Response: This is a private confidential document which contains sensitive commercial information which is not available for public viewing.

- Additional sections do not clearly indicate height of proposed unit nearest to northern boundary/properties on Cliff Hollins Lane

Response: noted. The application is an Outline with all matters reserved therefore this matter would be considered at Reserved Matters stage, however the Environmental Statement has set out the maximum height of any buildings would not exceed 18 metres, however the final decision on building heights would be for the Reserved Matters stage. This matter is addressed in assessment of committee report

- Who would have responsibility of for ensuring the entrance to the proposed car park is safely maintained

- Insufficient information (drainage details) on car park proposals

Response: the car park proposals are submitted to Bradford Council who will be the authority considering all associated works in relation to the car park proposals including the issue of who would be responsible for the maintenance of the entrance to the car park.

- No documentation presented in respect of the conflict of junction plans of the Oak Mills development at the proposed T-junction

Response: noted.

- Lacks any concern over greenbelt

Response: addressed in committee report

- Proposals would risk the long term viability and continued operations of nearby riding school and livery stables

Response: there is no evidence to substantiate this statement and the distance from the site of approximately 1 mile combined with a restriction on HGVs travelling up Cliff Hollins Lane is considered sufficient protection.

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