

Public Document Pack



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

Julie Muscroft

The Democracy Service

Civic Centre 3

High Street

Huddersfield

HD1 2TG

Tel: 01484 221000

Please ask for: Andrea Woodside

Email: andrea.woodside@kirklees.gov.uk

Tuesday 8 September 2020

Notice of Meeting

Dear Member

Strategic Planning Committee

The **Strategic Planning Committee** will meet remotely at **1.00 pm** on **Wednesday 16 September 2020**.

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 Donna Bellamy
Councillor Donald Firth
Councillor Carole Pattison
Councillor Andrew Pinnock
Councillor Cathy Scott
Councillor Mohan Sokhal

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

B Armer
V Lees-Hamilton
N Patrick
R Smith
J Taylor
M Thompson

Green

K Allison
S Lee-Richards

Independent

C Greaves
T Lyons

Labour

M Akhtar
M Kaushik
W Simpson
H Uppal

Liberal Democrat

J Lawson
A Marchington
A Munro

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 - 8

To approve the Minutes of the meeting of the Committee held on 26 August 2020.

3: Interests and Lobbying

9 - 10

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: Public Question Time

Due to the current covid-19 restrictions, Members of the Public may submit written questions to the Committee. Questions should be emailed to governance.planning@kirklees.gov.uk no later than 10.00 am on 15 September 2020. In accordance with Council Procedure Rule 51(10) any person may submit a maximum of 4 written questions.

In accordance with Council Procedure Rule 11(5), the period allowed for the asking and answering of public questions will not exceed 15 minutes.

6: 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.

7: Planning Applications

11 - 12

The Planning 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 14 September 2020.

To pre-register, please email governance.planning@kirklees.gov.uk or phone Andrea Woodside on 01484 221000 (Extension 74993).

As this is a virtual meeting please include in your email the telephone number that you intend to use when addressing the Committee. You will receive details on how to speak at the meeting in your acknowledgement email.

Please note that in accordance with the council's public speaking protocols at planning committee meetings verbal representations will be limited to three minutes.

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

8: Council stance on the Department for Transport draft order: Y&H/4337 - Proposed stopping up of highway at Holmfirth footpath 60, Wolfstones Road, Holmfirth (Town & Country Planning Act 1990, Section 247) 13 - 36

To consider the Council's stance on a draft order made by the DfT, which would stop up part of public footpath Holmfirth 60 and provide an alternative route.

Contact: Giles Cheetham, Definitive Map Officer

Ward affected: Holme Valley South

9: Planning Application - Application No: 2019/93550 37 - 62

Erection of 250 dwellings at land east and west of Netherton Moor Road, Netherton, Huddersfield.

Contact: Adam Walker, Planning Services

Ward affected: Crosland Moor and Netherton

10: Planning Application - Application No: 2020/91488 63 - 108

Reserved matters application pursuant to outline permission 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) (Phase 1) to include the discharge of Conditions 6 (BEMP), 17 (Site investigations), 18 (Tree Survey), 19 (PROW), 29 (Noise attenuation) and 31 (Electric vehicle charging points) at former North Bierley Waste Water Treatment Works, Oakenshaw.

Contact: Kate Mansell, Planning Services

Ward affected : Cleckheaton

11: Planning Application - Application No: 2020/90436

109 -
136

Outline application for the demolition of 1 no. dwelling house and the erection of residential development and associated works with details for access at land adjacent to 115, Westfield Lane, Wyke.

Contact: Christopher Carroll, Planning Services

Ward affected: Cleckheaton

Planning Update

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

Contact Officer: Richard Dunne

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Wednesday 26th August 2020

Present: Councillor Steve Hall (Chair)
Councillor Donna Bellamy
Councillor Carole Pattison
Councillor Andrew Pinnock
Councillor Cathy Scott
Councillor Mohan Sokhal
Councillor Bill Armer

Observers: Councillor Martyn Bolt

Apologies: Councillor Donald Firth

1 Membership of the Committee

Councillor Bill Armer substituted for Councillor Donald Firth

2 Minutes of the Previous Meeting

The minutes of the meetings held on 29 July 2020 and 5 August 2020 were approved as a correct record.

3 Interests and Lobbying

No interests or lobbying were declared.

4 Admission of the Public

All items on the agenda were taken in public session.

5 Public Question Time

No questions were asked.

6 Deputations/Petitions

No deputations or petitions were received.

7 Planning Application - Application no: 2020/91629

The Committee gave consideration to Planning Application 2020/91629 Temporary use of site as a car park for a period of 3 years Land at, Southgate, Huddersfield.

RESOLVED –

Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within the considered report including:

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1. Temporary permission for three years.
2. Development carried out in accordance with the plans and specifications.
3. Details of a scheme of restoration to return the site to a condition to be agreed.
4. Car park management plan within one month of the permission or prior to its first use for match day/event parking, whichever is the sooner.
5. Provision and retention of visibility splays in accordance with the submitted plan.
6. Detailed landscape scheme within one month of the date of the permission.
7. Details of landscape management and maintenance within one month of the date of the permission, to include details of the watering system for the planters.
8. Details of measures to improve the appearance of the retained hoardings around the site within one month of the permission.
9. A scheme of Air Quality Mitigation Measures.
10. A strategy for the provision of electric vehicle charging points.
11. Implementation of lighting and CCTV prior to the first use of the car park.

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

For: Councillors Patterson, A Pinnock, Scott, Sokhal and S Hall (5 votes)

Against: 0 votes

Abstained: Councillors Armer and Bellamy

8 **Planning Application - Application no: 2020/91615**

The Committee gave consideration to Planning Application 2020/91615 Erection of single storey modular building Salendine Nook Academy Trust High School, New Hey Road, Salendine Nook, Huddersfield.

RESOLVED –

Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within the considered report including:

1. Three years to commence development.
2. Approved plans and documents.
3. External materials.
4. The removal of the building (and land to be restored) should it no longer be needed.

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

For: Councillors Armer, Bellamy, Pattison, A Pinnock, Scott, Sokhal and S Hall (7 votes).

Against: (0 votes).

9 Planning Application - Application no: 2020/91762

The committee gave consideration to Planning Application 2020/91762 Retention of garden shed (Listed Building within a Conservation Area) Kirkburton Hall, Penistone Road, Kirkburton, Huddersfield.

RESOLVED –

Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within the considered report including:

1. Development in accordance with the approved plans.

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

For: Councillors Armer, Bellamy, Pattison, A Pinnock, Scott, Sokhal and S Hall (7 votes)

Against: (0 votes)

10 Planning Application - Application no: 2019/90467

The committee gave consideration to Planning Application 2019/90467 Conversion of former college buildings into 33 apartments including demolition of link canopy, partial demolition of link building, erection of additional storey to link building, and internal and external alterations (Listed Building within a Conservation Area). Highfields Centre, New North Road, Huddersfield.

RESOLVED –

Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to:

- i. Complete the list of conditions including those contained within the considered report including:

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and documents.
3. Submission of a Construction (Environmental) Management Plan (including temporary surface water drainage arrangements).
4. Submission of details of cycle parking.
5. Provision of electric vehicle charging points.
6. Submission of details of waste storage and collection.
7. Submission of details of crime prevention measures.
8. External materials (details and samples to be submitted).
9. Submission of details of windows and doors.
10. Submission of details of boundary treatments.
11. Submission of details of external lighting.
12. Submission of measures to protect residents from noise.

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13. Investigation of site (in relation to coal mining) and implementation of remedial work.
 14. Site contamination (four conditions).
 15. Submission of a full landscaping scheme.
 16. Implementation of bat mitigation measures.
 17. Implementation of biodiversity enhancement.
 18. Implementation of tree protection measures during construction.
- ii. Secure a Section 106 agreement to cover the following matters:
- 1) Sustainable transport – Measures to encourage the use of sustainable modes of transport including implementation of a Travel Plan and payment of £1,000 per year Travel Plan monitoring fees (for five years).
 - 2) Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).
- iii. In the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the mitigation and benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

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

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

Against: (0 votes)

Abstained: Councillors Bellamy and Sokhal.

11 **Planning Application - Application no: 2019/92221**

The committee gave consideration to Planning Application 2019/92221 Outline application for demolition of existing buildings and erection of Class A1 retail unit, access, car parking, servicing, landscaping and associated works (all matters reserved other than access) Kenmore Caravans Ltd, 119, Huddersfield Road, Mirfield.

Under the provisions of Council Procedure Rule 37 the Committee received a representation from Keith Nutter (applicant).

Under the provisions of Council Procedure Rule 36 (3) the Committee received a representation from Councillor Martyn Bolt (ward member).

RESOLVED –

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Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to:

- i. Complete the list of conditions including those contained within the considered report including:
 1. Details of the scale, layout, appearance and the landscaping of the site to be approved before any development commences.
 2. Development in accordance with the approved plans
 3. Application for approval of the reserved matters within three years of the date of the outline permission.
 4. Development to be begun within two years of the approval of the reserved matters (or in the case of approval on different dates the final approval of the last such matter).
 5. The net sales area of the store hereby permitted shall not exceed 1,254sqm, and the floor space devoted to the sale of comparison goods within this net sales area shall not exceed 20% of the net sales area.
 6. Detailed design for the proposed works to Huddersfield Road (including right turn lane and pedestrian refuges).
 7. Detailed parking layout at reserved matters stage.
 8. Details of scheme for provision of electric vehicle charging points.
 9. Travel Plan. 10. Construction management plan. 11. Contaminated land conditions (Phase 2 report, remediation strategy, validation report). 12. Details of security measures to be incorporated into the development. 13. Air Quality Impact Assessment including calculating the monetary damages from the development. 14. Detailed scheme for ecological mitigation and enhancement. 15. Detailed drainage design. 16. Details of flow routing for surface water as part of the proposed layout at reserved matters. 17. Restriction on stand-off distances from any new building to the sewers within the site, in line with Yorkshire Water recommendation. 18. Restriction on opening hours to 07:00 to 22:00 Monday to Saturday and any six hours between 09:00 and 18:00 on Sundays. 19. Restriction on servicing/deliveries to 07:00 to 23:00 Monday to Saturday and 08:00 to 22:00 on Sundays. 20. Details of mechanical plant to be installed. 21. Details of external lighting to be installed.
- ii. Secure a Section 106 agreement to cover the following matters:
 1. £8,400 contribution towards blue-tooth detectors at the Huddersfield Road/Station Road traffic signalled junction.
 2. £23,000 contribution towards the upgrade of bus stop numbers 15150 and 15152 on Huddersfield Road.
 3. Travel Plan monitoring fee (£10,000)
- iii. In the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the mitigation and benefits that would have been secured; if so, the Head of

Strategic Planning Committee - 26 August 2020

Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

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

For: Councillors Pattison, A Pinnock, Scott, Sokhal and S Hall (5 votes).

Against: Councillor Bellamy (1 vote)

Abstained: Councillor Bill Armer

12 **Planning Application - Application no: 2020/90436**

The committee gave consideration to Planning Application 2020/90436 Outline application for the demolition of 1no. dwelling house and the erection of residential development and associated works with details for access Land adj, 115, Westfield Lane, Wyke.

RESOLVED –

That consideration of the application be deferred in order to allow officers and the applicant an opportunity to discuss the option of developing the site without demolishing the existing dwelling.

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

For: Councillors Armer, Bellamy, A Pinnock, Scott, Sokhal and S Hall (6 votes).

Against: (0 votes)

Abstained: Councillor Patterson

13 **Planning Application - Application no: 2020/90609**

The committee gave consideration to Planning Application 2020/90609 Erection of detached car port and store (Listed Building within a Conservation Area) Tolson Cottage, Dean Brook Road, Armitage Bridge, Huddersfield.

RESOLVED –

That the application be refused in line with the following reasons set out in the considered report.

1. The proposed erection of a car port and store, and the formation of additional amenity space, would both by their nature be inappropriate development within the green belt. The proposed development would materially harm the openness of the green belt, and very special circumstances to justify why the proposed development should be allowed in this instance have not been demonstrated. The proposal is therefore contrary to the aims of Chapter 13 (paragraphs 143 to 145) of the National Planning Policy Framework, and Policy LP58 of the Kirklees Local Plan.

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2. The proposed development would give rise to a further domestication of this part of the Armitage Bridge Conservation Area, which has historically been undeveloped, and would interrupt long-range views from Armitage Road into the fields beyond the site boundary, which are considered valuable to the character of the conservation area. It would thereby cause harm to the character of the conservation area, and although this is considered less than substantial, no public benefit has been demonstrated to justify the harm caused. The proposal is therefore contrary to the aims of Policy LP35 of the Kirklees Local Plan and Chapter 16 (paragraphs 195 to 196) of the National Planning Policy Framework.

3. The proposed development would involve substantial excavation within the root zone of a mature tree which is considered to be of significant amenity value, thereby jeopardising its long-term viability, contrary to the aims of Policy LP33 of the Kirklees Local Plan.

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

For: Councillors Armer, Bellamy, Pattison, A Pinnock, Scott, Sokhal and S Hall (7 votes)

Against: (0 votes)

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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 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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

National Policy/ Guidelines

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, the Planning Practice Guidance Suite (PPGS) first 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 54 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.



Name of meeting: Strategic Planning committee

Date: 16 September 2020

Title of report: Council stance on the Department for Transport draft order: Y&H/4337 – Proposed stopping up of highway at Holmfirth footpath 60, Wolfstones Road, Holmfirth, HD9 3UU. Town & Country Planning Act 1990, Section 247

Purpose of report: Members are asked to consider the Council’s stance on a draft order made by the DfT, which would stop up part of public footpath Holmfirth 60 and provide an alternative route. The public footpath route to be stopped up, and the proposed diversionary route to be created are shown on appended plans. **Members are asked to make a decision** on the Council's stance.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not applicable
Key Decision - Is it in the Council’s Forward Plan (key decisions and private reports?)	Not applicable
The Decision - Is it eligible for call in by Scrutiny?	No
Date signed off by <u>Director</u> & name	Karl Battersby 7 September 2020
Is it also signed off by the Assistant Director for Financial Management, IT, Risk and Performance?	Yes. James Anderson on behalf of Eamonn Croston 7 September 2020
Is it also signed off by the Service Director (Legal Governance and Commissioning)?	Yes. Julie Muscroft 4 September 2020
Cabinet member portfolio	Not applicable

Electoral wards affected: Holme Valley South

Ward councillors consulted: Cllrs. Davies, Firth & Patrick

Public or private: Public report

1. Summary

- 1.1. The Council has been consulted by the Department for Transport (“DfT”) on its draft order under section 247 of the Town & Country Planning Act 1990, proposing to change the alignment of part of public footpath Holmfirth 60 to enable development to take place to fully implement planning permission(s).
- 1.2. Officers seek a view from members on the Council’s stance in response to the DfT draft order, for example, whether to object or not.
- 1.3. Kirklees Council has already considered a similar proposal regarding the same public footpath and the same development at the same location. By decision of the relevant sub-committee in January 2020, the Council refused a revised application from Mr S Butterfield for an order, to divert part of public footpath Holmfirth 60, under section 257 of the Town & Country Planning Act 1990, to enable the development to take place to fully implement planning permission(s).
- 1.4. There is provision in section 247 of the Town & Country Planning Act 1990 for the DfT to make orders affecting public footpaths. The effect of the DfT order would be the same as the footpath diversion proposal refused by the Council in January.
- 1.5. The effect of the proposed section 247 order is shown on appended Plan S1, which is the DfT’s draft order plan. The public footpath to be stopped up is shown by the bold-shaded area A-B, and the new public footpath to be created by lighter shaded area “C”. The DfT draft order is appended at App SB, and the notice at App SC
- 1.6. The existing public footpath 60 would be affected by the development, as shown in the planning application block plans for 2018/93277 & 2018/93302 at App SA1 and SA2. A location plan is at App SG.
- 1.7. The officer report of January 2020 to sub-committee on diversion of Holmfirth footpath 60 is linked to, at paragraph 9.2 of this report, along with the January appendices, agenda and decision.
- 1.8. Over time, there were slight amendments to the section 257 application proposals to the Council. Three preliminary consultations took place and details of responses were at section 4 and appendix D of the January 2020 sub-committee report. Responses were received in favour of the proposed diversion, and there were various responses by those not in favour. These were reported to sub-committee, and the applicant’s comments on responses were appended at App E1 and E2 of the January report.
- 1.9. The current proposal in the DfT draft s247 order incorporates no improvement to the verge of Wolfstones Road.
- 1.10. Officers have not seen the application submissions to the DfT. The DfT has stated that the application was made via Noel Scanlon Consultancy Limited, which was the agency used in the section 257 application to the Council.
- 1.11. If the Council objects to the s247 draft order, the Secretary of State at the DfT would have to arrange a public inquiry, if he wishes to pursue an order.
- 1.12. If the Council does not object to the s247 draft order, the DfT will consider any other objections and decide whether to proceed with making an order, which may involve a public inquiry or a decision further to written representations.

2. Information required to make a decision

Officers have not seen the application submissions to the DfT. The DfT has stated that the application was made via Noel Scanlon Consultancy Limited, which was the agency used in the section 257 application to the Council, refused in January 2020.

The DfT draft order cites planning permissions 2014/62/92814/W and 2017/62/91374/W.

Here are Kirklees planning web links:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2014%2f92814>

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f91374>

In the application for a s257 order refused by the Council, to divert part of footpath 60 at Wolfstones Heights Farm, Wolfstones Road, Upperthong under section 257 of the Town & Country Planning Act 1990, the applicant cited planning permissions 2014/92814, *“(quoting the related Decision Notice) the formation of a new access and stopping up of existing access, diversion of public right of way and related external works”*, and 2017/91374 *“(again quoting the related Decision Notice) the demolition of a garage building, the erection of garages, garden room and fuel store with associated landscaping works”*, as amended by non-material amendment permissions 2018/NMA/93302 and 2018/NMA/93277.

The following two links are to non-material amendment permissions amending the above planning permissions.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f93302>

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f93277>

2.1 The Secretary of State at DfT (“SoS”) may make draft orders and orders under Section 247 of the Town & Planning Act 1990 Act if s/he considers that it is expedient to do so when the following criteria are met:-

- a) it is necessary to do so in order to enable development to be carried out in accordance with planning permission granted.
- b) s/he must also take into account the suitability of the proposal and the effect the change would have on those entitled to the rights that would be extinguished.

2.2 The s247 statutory procedure is a two-stage process which involves the making of a draft order. The draft order is subject to public consultation by way of statutory advertisement and notices posted on site and is currently at this stage. If no objections are received or they are resolved, the SoS at DfT may make the order. If the draft order is opposed and the objections cannot be resolved, the order could only be made after the Secretary of State (at DfT) determines the matter, either following written representations or a public inquiry. If the council objects, the SoS has no discretion to choose the written representations process.

- 2.3 Section 7 of DEFRA's circular 1/09 covers the topic of planning permission and public rights of way.
- 2.4 Weblink:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/69304/pb13553-rowcircular1-09-091103.pdf
- 2.5 At paragraph 7.11, it states: "It cannot be assumed that because planning permission has been granted that an order under section 247 or 257 of the 1990 Act, for the diversion or extinguishment of the right of way, will invariably be made or confirmed. Development, in so far as it affects a right of way, should not be started and the right of way should be kept open for public use, unless or until the necessary order has come into effect. "
- 2.6 Paragraph 7.15 states: "The local planning authority should not question the merits of planning permission when considering whether to make or confirm an order, but nor should they make an order purely on the grounds that planning permission has been granted. That planning permission has been granted does not mean that the public right of way will therefore automatically be diverted or stopped up. Having granted planning permission for a development affecting a right of way however, an authority must have good reasons to justify a decision either not to make or not to confirm an order. The disadvantages or loss likely to arise as a result of the stopping up or diversion of the way to members of the public generally or to persons whose properties adjoin or are near the existing highway should be weighed against the advantages of the proposed order."
- 2.7 In January 2020 members of sub-committee decided, after consideration, that an order to divert footpath 60 should not be made.
- 2.8 The applicant's submitted supporting statement was appended to the January report at App B, along with his submitted highways survey. The proposal to develop the site affects the driveway carrying footpath 60, with the public footpath proposed to be diverted to reach its proposed new junction with Wolfstones Road. Also, at the January report's appendix App B were photos and a photo plan submitted regarding the nearby land accessed by the public.
- 2.9 The section 247 draft order proposal would allow pedestrian rights to be stopped up on a section of public footpath 60 and an alternative public footpath provided.
- 2.10 The draft order identifies that the terminal point of footpath 60 on Wolfstones Road would change, moving approximately 115 metres along Wolfstones Road to the north.
- 2.11 In January's report Appendix B, the applicant's statement of 29 March 2019 in support of the diversion application, paragraph 6.3 states, "*Briefly, works that cannot be completed without the diversion of the Footpath are the current stone wall to the south of the Footpath area cannot move and the garden lawn cannot be extended northwards towards the building known as Wolfstone Heights. In addition, the engineering works, levels alterations and connecting steps to the lower garage roof terrace and establishment of parking areas, as well as underpinning engineering and retaining walls, all of which is now more particularly established through the respective NMAs, cannot be concluded. This is because all such works necessitate the removal of the access drive to Wolfstones Heights Farm, part of which is covered by the part of the Footpath intended for diversion.*"

- 2.12 Kirklees PROW did not object to the grant of planning consents. PROW Officer had met the applicant's agent on site at an early stage and identified areas that may be brought up as issues by the public if an application to divert the footpath was made. The PROW officer stated that Wolfstones Road had a serviceable verge between the current and proposed path ends, which was intended to convey that it was walkable without risk of injury underfoot. No relevant objections appear to have been made by the public to early planning applications, but once PROW undertook consultation specifically on the diversion proposal, objections were raised, including those by people who had not realised that the development described in planning applications would affect the footpath 60, or require its diversion. The Council therefore had not been in a position to take these comments and concerns about the public footpath into account when considering the planning applications, where they were raised later. These matters were reported to and taken into account by the January 2020 sub-committee in making its decision to refuse the s257 diversion application.
- 2.13 Preliminary public consultations were held on the proposals that formed the application to the Council. Responses both for and against the proposal were received and the details were listed in section 4 and appendix App D of the January 2020 report to sub-committee. Those January appendices may be reviewed along with the January report using the links at paragraph 9.2 below.
- 2.14 In the officer report of January 2020, members had a number of options in relation to the section 257 order.
- 2.15 In January 2020 members of sub-committee decided, after consideration, that an order to divert footpath 60 should not be made.
- 2.16 For members in making this decision:
- 2.17 **Option 1** is to object to the Town & Country Planning Act 1990 section 247 draft order and oppose this public footpath proposal in the Secretary of State's determination.
- 2.18 **Option 2** is not to object to the Department for Transport section 247 draft Order.

3 Implications for the Council

- 3.1 **Early Intervention and Prevention (EIP).**
- 3.1.1 Providing better facilities for physical activity works towards local and national aims of healthy living.
- 3.2 **Economic Resilience (ER)**
- 3.2.1 **There** is an indirect impact of a welcoming environment which helps promote and retain inward investment.
- 3.3 **Improving outcomes for children.**
- 3.3.1 See 3.1.1
- 3.4 **Reducing demand for services**
- 3.4.1 See 3.5

3.5 Other (e.g. Legal/Financial or Human Resources)

3.5.1 The Council is consulted by the DfT on proposals to change the highway network, including public footpaths, in this case to facilitate development already granted planning consent.

3.5.2 Any person may make an objection or representation to the DfT's draft order.

3.5.3 The Council may respond to consultation on a draft order made by the DfT. If a draft order is opposed, any such objection would likely be considered by an inspector appointee of the Secretary of State, who may or may not make the section 247 order. The Council may not recharge the costs incurred by it in the process of determination of an opposed order by the DfT. The Council would have to cover its own costs associated with that decision process, potentially including representation at a public inquiry. Under current legislation, costs incurred by the Council in that determination process would not generally be recoverable, although the DfT is responsible for the costs of holding a public inquiry.

3.5.4 Development proposals, including those given planning consent, may depend on the making and coming into force of public path orders, such as those changing or extinguishing public rights of way. Without such PROW orders, development may well be delayed, prevented or rendered unviable, with the subsequent effects on matters such as the local economy and provision of homes.

4 Consultees and their opinions

4.1 In the January 2020 sub-committee decision, on the similar proposal, in a section 257 diversion application to the Council, 11 out of 12 members voted to refuse the application for an order to divert public footpath 60.

4.2 Prior to the January 2020 report, the public rights of way unit undertook three rounds of informal preliminary consultation on the s257 proposal, which included notices posted on site and maintained for 4 weeks, information published on the Involve part of the Council's website, and correspondence with statutory consultees, interested parties including utility companies and user groups, as well as ward councillors.

4.3 **Ward councillors:** Officers have consulted ward members on the Council's stance on the DfT's draft s247 order.

4.4 Cllr Davies believes that the Council should resist the section 247 order, in line with the January sub-committee decision, in which he voted against the earlier, similar proposal to divert this public footpath.

4.5 Cllr Firth and Cllr Davies were members of the January 2020 sub-committee, both voting against the proposal to divert public footpath 60.

4.6 Previously, on the s257 application to the Council, Cllr Patrick indicated support for the diversion at the second preliminary consultation.

4.7 The Council's Highways Safety engineer's comments were reported in January 2020 in full at appendix App D. Conversion of the verge to a formal footway was identified

as the only suitable mitigation measure for the change of the terminal point for Holmfirth 60 on Wolfstones Road. When queried by the applicant's agent, Highways Safety noted that the "*primary concern is the safety of pedestrians on the blind bend between the 2 access points (approx. 100m of verge).*" **Officers note** that proposals for improvement works to the verge, to form part of a formal agreement under section 278, Highways Act 1980, were insufficient to persuade sub-committee members to support the earlier section 257 application to the Council. Highways safety officers were consulted again this month, and noted their previous safety concerns.

- 4.8 In January 2020, the section 257 applicant considered that he had addressed and rebutted the negative comments on the proposed diversion, and that the necessary tests were satisfied.
- 4.9 Officers have informed many interested parties about the DfT draft order.
- 4.10 Peak & Northern Footpath Society, the Ramblers and others have informed the Council of their intention to object to the DfT's draft order.
- 4.11 The DfT is responsible for section 247 draft order notices to be posted on site for 28 days. Generally, they arrange for the applicant to do it. The DfT's consultation ends on 29 September 2020.

5 Next steps

- 5.1 The DfT draft order consultation is in progress, it is due to end on 29 September 2020. If objections are received, then the matter would be determined on behalf of the Secretary of State at the DfT.
- 5.2 If the section 247 draft order is unopposed, the DfT may make the s247 order.
- 5.3 In accordance with section 252 of the 1990 Act, if any objections to the draft order are made either by the Council or a relevant "undertaker", and not withdrawn, then the Secretary of State at the DfT, if proposing to make the order, must hold a public inquiry. Alternatively, the DfT may decide not to make the section 247 Order.
- 5.4 If the Council does not oppose the draft order, then the determination of the section 247 process would continue, and the Secretary of State's further decision would then be required on:
 - 5.4.1 Considering objections that are received, and either
 - 5.4.2 Making the s247 order, or
 - 5.4.3 Not making the s247 order.
- 5.5 **If the** SoS at DfT does not make the order, the public footpath would remain on its current alignment and the planning permissions could not be fully implemented as granted.
- 5.6 **If the SoS** at DfT does make the section 247 order, and it comes into force, then the current path would be stopped up (cease to be a public footpath) and the alternative route would be provided by the applicant (and would become a public footpath).

6 Officer recommendations and reasons

- 6.1 **Officers ask** members to make a decision on the Council's stance on the Department for Transport's draft order, choosing one of the options identified in paragraphs 2.17 and 2.18 above.
- 6.2 In the previous section 257 application process to the Council, there were many points raised with the Council both for and against the proposal, with views on the perceived advantages and disadvantages.
- 6.3 In January, officers informed members that, after assessing the information, it was reasonable for members to decide to make an order, or to decide to refuse to make an order. The officer report in January 2020 further noted:
- 6.3.1 "Members may consider whether the diversion is required to fully implement relevant planning permission.
 - 6.3.2 Members may consider whether there is good reason to refuse the diversion application despite the grant of planning permission, including consideration of the guidance of DEFRA in paragraphs 7.11 and 7.15 of circular 1/09. Officers consider that the information available to the Council now, that was not available to the Council when deciding the planning applications, may also be taken into account and, on balance, for members, the information as a whole may weigh sufficiently to lead to a refusal, e.g. if they consider that the negative effect of the proposal on public path users outweighs the positive effect of the development and that confirmation should not or would not be sought, so no order ought be made.
 - 6.3.3 Alternatively, in considering this merits test, members may decide that the diversion might be acceptable. This test is described in the judgements in Vasiliou v SoS Transport [1991] 2 All ER 77 and in R (Network Rail) v SoS Environment, Food and Rural Affairs [2017] EWHC 2259 (Admin). Members may resolve that, in taking into account any significant disadvantages or losses flowing directly from the order, for the public generally and also considering any countervailing advantages to the public, along with the degree of importance attaching to the development, any such disadvantages or losses are not of such significance or seriousness that they should not make the Order."
- 6.4 This allowed sub-committee members to consider the development, the part of the development that could not be implemented without change to the public footpath, the effect of the path change on the public path and its users, including their safety, and then weigh those up in making a decision.
- 6.5 In the January 2020 report to sub-committee, improvement works, for the benefit of pedestrian users of Wolfstones Road between the existing and proposed ends of footpath 60, were proposed, which officers advised may be considered by members, along with other factors, in the decision of whether to make the Order.
- 6.6 The current proposal, described in the DfT's draft section 247 order, contains no proposal to improve the verge of Wolfstones Road. The highways safety officer view was that the verge improvement would be a required mitigation for the diversion.

6.7 Members considered these matters, decided that the footpath proposals were not acceptable, even with the verge improvement, and refused the application for an order to divert public footpath 60.

6.8 Officers recommend members to

6.8.1 **Choose option 1** at paragraph 2.17 above, that the Council object to the Town & Country Planning Act 1990 section 247 draft order and oppose this public footpath proposal in the Secretary of State's determination.

6.9 With the options available to members in January, and the sub-committee decision, this recommended approach appears to officers to be appropriate. The sub-committee was clear that the similar proposal was not satisfactory for footpath users, and even with the option of securing improvement to the Wolfstones Road verge, they were not persuaded to make an order. Determination of the current section 247 proposal is in the hands of the DfT. If the SoS wishes to pursue an order, he would arrange a public inquiry, where the many arguments may be presented and considered, with opposing views on this contentious matter open to examination before the determining DfT inspector.

7 Cabinet Portfolio Holder's Recommendations

7.1 Not applicable.

8 Contact officer

Giles Cheetham
01484 221000

Definitive Map Officer, Public Rights of Way
giles.cheetham@kirklees.gov.uk

9 Background Papers and History of Decisions

9.1 PROW file 872/DIV/6/60 Wolfstones: Rights of Way Improvement Plan

9.2 Kirklees Council weblink to Section 257 diversion application report and refusal 30 January 2020 – item 12

<https://democracy.kirklees.gov.uk/ieListDocuments.aspx?CId=149&MIId=5980&Ver=4>

January 2020 officer report: appendices link

<https://democracy.kirklees.gov.uk/documents/s34421/Item%2012.%20Holmfirth%2060%20Wolfstones%20public%20footpath%20diversion%20committee%20report.pdf>

January 2020 appendices link:

<https://democracy.kirklees.gov.uk/ecSDDisplay.aspx?NAME=SD2037&ID=2037&RPID=507121906>

9.3 Planning consents – website links shown at Section 2 above.

9.4 Appendices

9.4.1 Plan S1 – s247 draft order plan

9.4.2 Apps SA1 & SA2 - planning application block plans 2018/93277 & 2018/93302

- 9.4.3 App SB – s247 draft order
- 9.4.4 App SC – s247 draft order notice
- 9.4.5 App SG - location plan

10 Service Director responsible

10.1 **Sue Procter** Service Director, Environment; Economy & Infrastructure Directorate

Name of meeting and date:

Strategic Planning Committee 16 September 2020

Title of report:

Council stance on the Department for Transport draft order: Y&H/4337 – Proposed stopping up of highway at Holmfirth footpath 60, Wolfstones Road, Holmfirth, HD9 3UU. Town & Country Planning Act 1990, Section 247

1. Purpose of report

Members are asked to consider the Council's stance on a draft order made by the Department for Transport ("DfT"), which would stop up part of public footpath Holmfirth 60 and provide an alternative route. The public footpath route to be stopped up, and the proposed diversionary route to be created are shown on appended plan. Members are asked to make a decision on the Council's stance.

2. Summary of Report

An application has been made to the DfT for an order to stop up part of public footpath Holmfirth 60 at Wolfstones, near Upperthong, Holmfirth, and provide an alternative route, to enable development in accordance with planning consents already granted. The DfT has made a draft order under section 247, which is currently out for public consultation. A previous application to the Council, under section 257 of the 1990 Act, for an order which would have had similar effect on the public footpath, was refused by planning sub-committee in January 2020.

Background legal context – members should note that this is not an appeal to the earlier sub-committee refusal but instead there is provision in section 247 of the Town & Country Planning Act 1990 for the DfT to make orders affecting public footpaths if an application is made directly to them. The effect of the DfT order would be the same as the footpath diversion proposal refused by the Council in January 2020. If the Council objects to the s247 draft order, the Secretary of State at the DfT would have to arrange a public inquiry, if he wishes to pursue an order.

3. Ward Councillor comments

Ward members have been consulted on the Council's stance on the section 247 draft order.

Cllr Davies believes that the council should resist the section 247 draft Order, in line with the January sub-committee decision, when he voted against the earlier proposal to divert this public footpath.

Ward members were consulted in three separate preliminary consultations before the January 2020 report to sub-committee.

Cllr Firth and Cllr Davies were members of the January 2020 sub-committee, both voting against the proposed footpath diversion. Cllr Patrick had indicated support for the proposed diversion in the second preliminary consultation.

4. Officer recommendations and reasons

The DfT draft order, if completed, would have the same effect on public footpath Holmfirth 60, at Wolfstones, as the earlier s257 application to the Council, refused by sub-committee.

The sub-committee will not sit before the DfT draft order consultation period ends and, after consultation with the sub-committee Chair, officers now report to Strategic committee for a decision on the Council's stance.



Officers note the 11-1 vote against the proposed footpath diversion in the January 2020 Council sub-committee decision on the similar section 257 order proposal.

In the January 2020 officer report to sub-committee, officers noted the choices that members had, and the reasons that members may choose to make or not make an order. Given the sub-committee decision to refuse, officers would ordinarily look to object to the DfT's similar section 247 order but seek members' view.

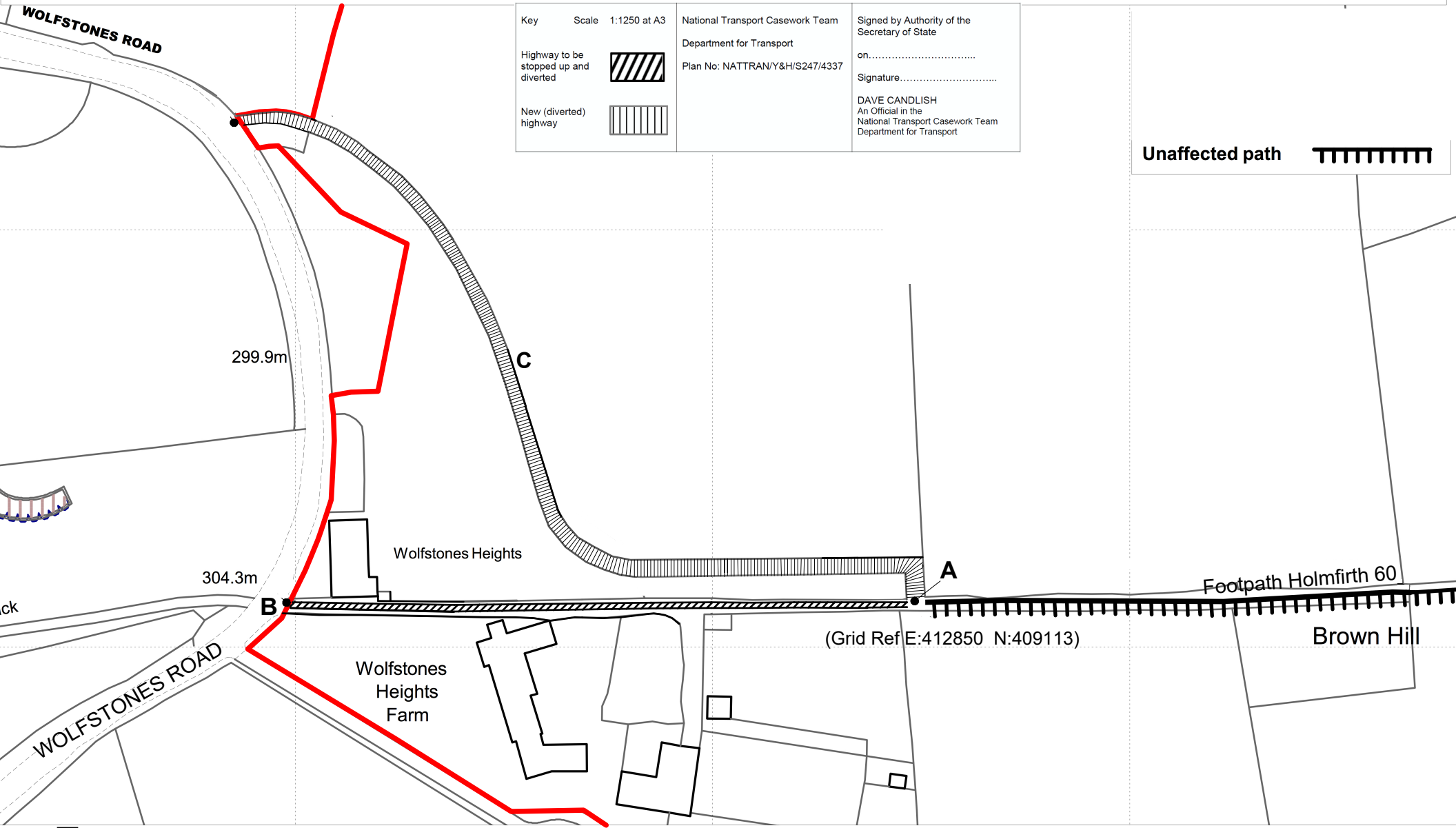
Officers recommend that that the Council object to the Town & Country Planning Act 1990 section 247 draft order and oppose this public footpath proposal in the Secretary of State's determination.

With the options available to members in January 2020, and the sub-committee decision, this recommended approach appears to officers to be appropriate and logical. The sub-committee was clear that the similar proposal was not satisfactory for footpath users, and even with the option of securing improvement to the Wolfstones Road verge, they were not persuaded to make an order. Determination of the current section 247 proposal is in the hands of the DfT. If the SoS wishes to pursue an order, he would arrange a public inquiry, where the many arguments may be presented and considered, with opposing views on this contentious matter open to examination before the determining DfT inspector.

HIGHWAY AT HOLMFIRTH IN THE METROPOLITAN BOROUGH OF KIRKLEES

Key	Scale 1:1250 at A3	National Transport Casework Team	Signed by Authority of the Secretary of State
Highway to be stopped up and diverted		Department for Transport	on.....
New (diverted) highway		Plan No: NATTRAN/Y&H/S247/4337	Signature.....
			DAVE CANDLISH An Official in the National Transport Casework Team Department for Transport

Unaffected path 

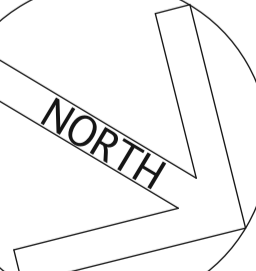


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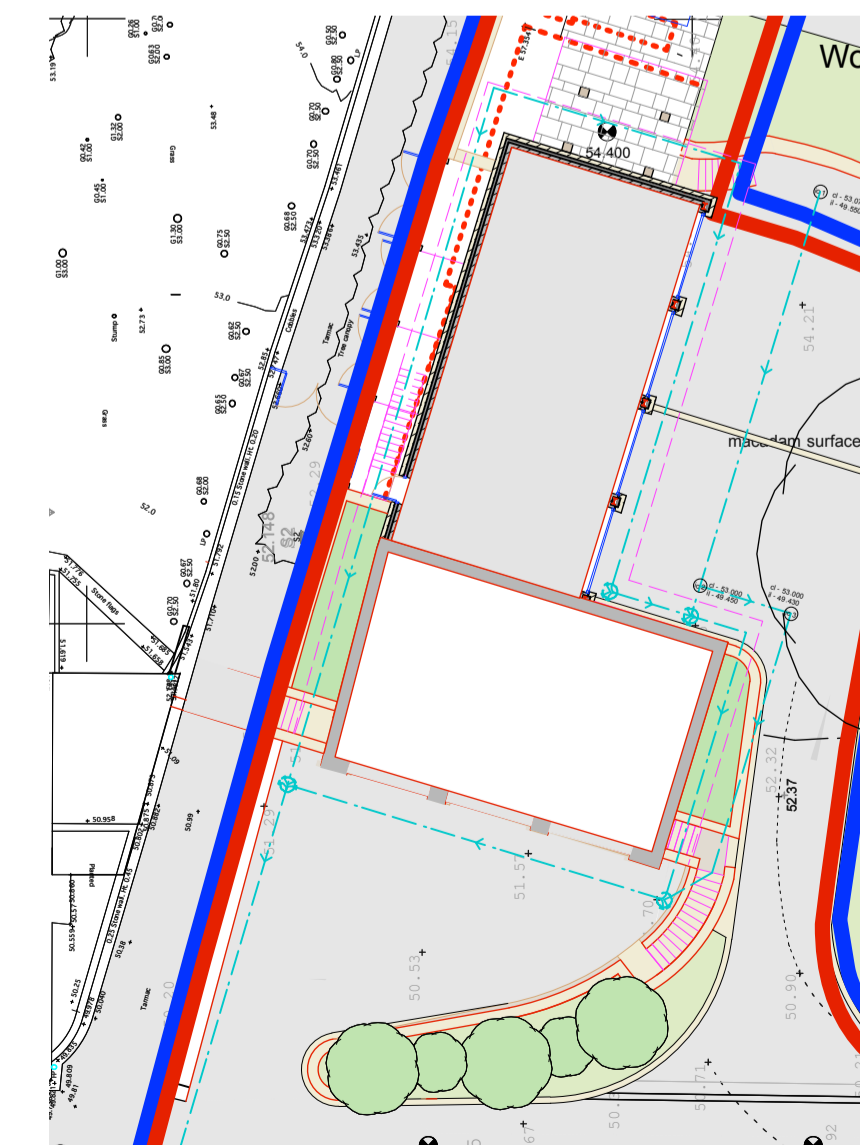


continuation of route in direction of upperthong



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P04	Changed layout to entrance area to lower level garage	12.09.18	RE	
P03	Various design changes for submission with Planning Application	13.04.17	RE	
P02	Re-design of stable block as per sketch by Mrs Butterfield	08.02.17	RE	
P01	Drawing originated, based on drawing 13072D-200-P07	03.02.17	RE/IGN RE	
rev.	description	date	drawn	approved



plan at lower ground floor level
scale 1:250

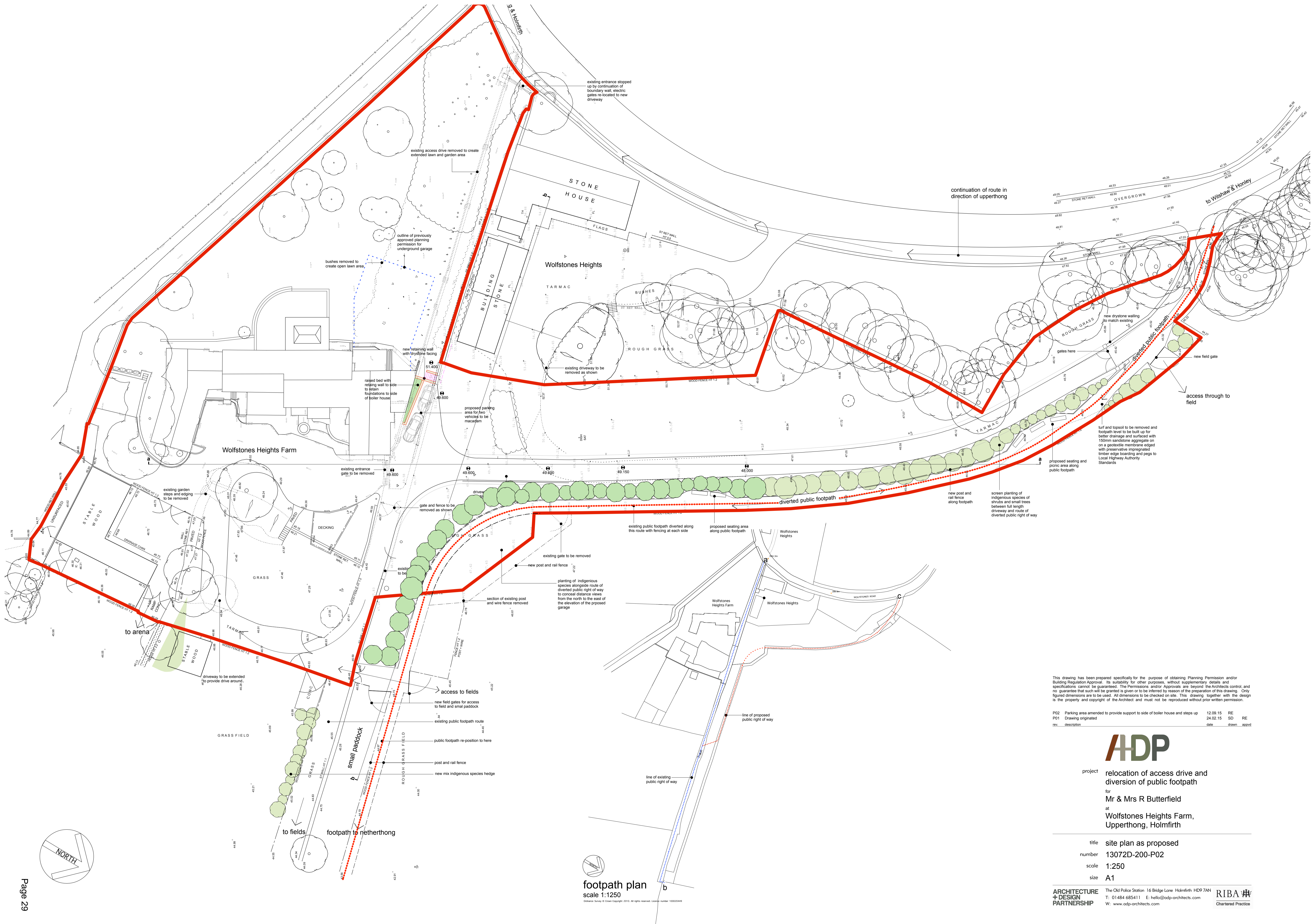
A DP

project Demolition of Existing Stable and Garage and Construction of Replacement Garages for Mr & Mrs R Butterfield at Wolfstones Heights Farm, Upperrthong, Holmfirth

title site plan as proposed
number 13072D-301-P04
scale 1:250
size A1

ARCHITECTURE + DESIGN PARTNERSHIP The Old Police Station 16 Bridge Lane Holmfirth HD9 7AN T: 01484 685411 E: hello@adp-architects.com W: www.adp-architects.com **RIBA** Chartered Practice

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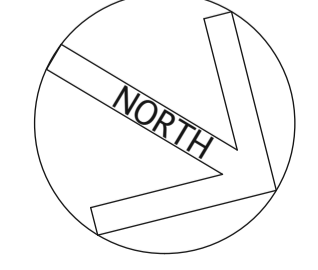
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P02	Parking area amended to provide support to side of boiler house and steps up	12.09.15	RE
P01	Drawing originated	24.02.15	SD RE
rev.	description	date	drawn



project relocation of access drive and diversion of public footpath for Mr & Mrs R Butterfield at Wolfstones Heights Farm, Uppertong, Holmfirth

title site plan as proposed
 number 13072D-200-P02
 scale 1:250
 size A1



footpath plan scale 1:1250

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TOWN AND COUNTRY PLANNING ACT 1990

THE DIVERSION OF HIGHWAY (YORKSHIRE AND THE HUMBER) (NO.) ORDER 20..

The Secretary of State makes this Order in exercise of powers under section 247 of the Town and Country Planning Act 1990 ("the Act").

1. (1) The Secretary of State authorises the diversion of the highway specified in column (1) of the Schedule to this Order, being satisfied that it is necessary to do so to enable development to be carried out in accordance with planning permissions granted by Kirklees Council under references 2014/62/92814/W and 2017/62/91374/W.

(2) The diversion of the said highway shall be affected by -

- (a) the stopping up of a length of the highway specified in column (1) of the Schedule to this Order, as described in column (2) of the Schedule and as shown in zebra hatch on plan number NATTRAN/Y&H/S247/4337; and
- (b) the provision by the developer, to the reasonable satisfaction of Kirklees Council, of a new highway which shall be a footpath along the diverted route described in column (3) of the Schedule (to take the place of the aforementioned length of stopped up highway in (a) above) and shown in vertical stripe and labelled 'C' on plan number NATTRAN/Y&H/S247/4337.

2. No part of the highway to be stopped up in pursuance of Article 1 (2) (a) of this Order shall take place earlier than the date on which Kirklees Council certify to the developer that the provisions of Article 1 (2) (b) have been complied with; and

3. Where immediately before the date of this Order there is any apparatus of statutory undertakers under, in, on, over, along or across any highway authorised to be stopped up pursuant to this Order then, subject to section 261(4) of the Act, those undertakers shall have the same rights as respects that apparatus after that highway is stopped up as they had immediately beforehand.

4. This Order shall come into force on the date on which notice that it has been made is first published in accordance with section 252(10) of the Act, and may be cited as the Diversion of Highway (Yorkshire and the Humber) (No.) Order 20.. .

Signed by authority of
the Secretary of State

DAVE CANDLISH
An Official in the
National Transport Casework Team
Department for Transport

THE SCHEDULE

Description of highway to be stopped up and diverted

The highway to be diverted is at Holmfirth in the Metropolitan Borough of Kirklees.

Column (1)	Column (2)	Column (3)
Highway to be diverted	Length of Highway to be stopped up	Reference letter of new (diverted) highway
A length of Footpath Holmfirth 60	A length of Footpath Holmfirth 60 at the Wolfstones Heights Farm site, commencing at grid reference E:412850 N:409113 (Point A) and extending in a westerly direction for a distance of 151 metres to Wolfstones Road (Point B). It has a maximum width of 1.2 metres.	C A length of footpath commencing at grid reference E:412850 N:409113 (Point A) and extending overall in a general north westerly direction for a distance of 226 metres. It has a varying width between 2.4 and 3 metres.

DRAFT

PUBLIC NOTICE

DEPARTMENT FOR TRANSPORT

TOWN AND COUNTRY PLANNING ACT 1990

The Secretary of State gives notice of the proposal to make an Order under section 247 of the above Act to authorise the stopping up and diversion of a length of Footpath Holmfirth 60, at the Wolfstones Heights Farm site, at Holmfirth in the Metropolitan Borough of Kirklees.

If made, the Order would authorise the stopping up only to enable development as permitted by Kirklees Council under references 2014/62/92814/W and 2017/62/91374/W.

Copies of the draft Order and relevant plan may be obtained, free of charge, from the addresses stated below (quoting NATTRAN/Y&H/S247/4337) in the 28 days commencing on 01 September 2020.

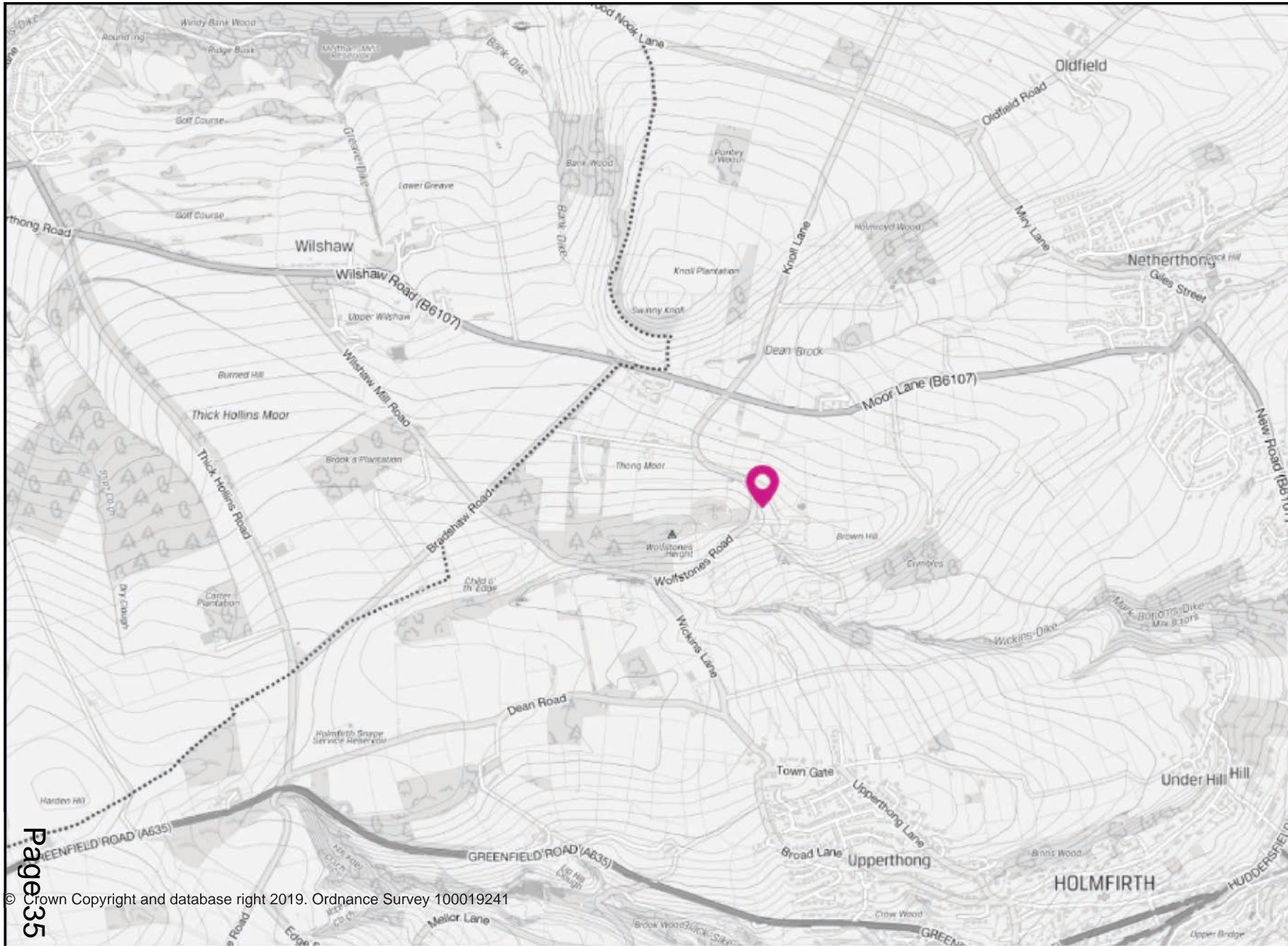
Any person may object to the making of the proposed order by stating their reasons in writing to the Secretary of State at nationalcasework@dft.gov.uk or National Transport Casework Team, Tyneside House, Skinnerburn Road, Newcastle upon Tyne NE4 7AR, quoting the above reference. Objections should be received by midnight on **29 September 2020**. Any person submitting any correspondence is advised that your personal data and correspondence will be passed to the applicant/agent to be considered. If you do not wish your personal data to be forwarded, please state your reasons when submitting your correspondence.



G Patrick, Casework Manager

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Location plan



Kompass
Kirklees Mapping Service

Scale = 15000

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Ordnance Survey
100019241

maps@kirklees.gov.uk



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Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 16-Sep-2020

Subject: Planning Application 2019/93550 Erection of 250 dwellings Land east and west of, Netherton Moor Road, Netherton, Huddersfield, HD4 7JF

APPLICANT

R Allsopp, Persimmon
Homes and Charles
Church (West Yorkshire)
Ltd

DATE VALID	TARGET DATE	EXTENSION EXPIRY DATE
------------	-------------	-----------------------

30-Oct-2019

29-Jan-2020

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: Crosland Moor and Netherton

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development 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. Affordable housing (50 dwellings on-site as per the submitted layout with a tenure split of 28 social or affordable rented dwellings and 22 intermediate dwellings)
2. Education contribution towards primary provision (£617,768)
3. Off-site open space contribution to upgrade existing facilities in Netherton (£243,096)
4. Sustainable travel fund including a contribution towards the provision of two bus shelters (£153,875)
5. Travel Plan monitoring fee (£15,000)
6. £50,000 contribution towards the delivery of the proposed core walking and cycling network within the vicinity of the site (the Meltham Greenway)
7. Maintenance and management arrangements for the areas of public open space and landscaping within the site and any other areas not falling within private curtilage
8. Future maintenance and management arrangements for the surface water drainage infrastructure within the site

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 Planning and Development 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 Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION:

- 1.1 The application is brought forward to the Strategic Planning Committee in accordance with the Council's Scheme of Delegation because of the scale of the development proposed.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site consists of two separate housing allocations that are separated by Netherton Moor Road and which lie on the south eastern edge of the village of Netherton.
- 2.2 Both parcels of land consist of open fields bound by drystone walls. The land to the east of Netherton Moor Road slopes down very gradually towards Hawkroyd Bank Road and the land to the west of Netherton Moor Road has a gently undulating topography.

2.3 To the north western boundary of the site is residential development that includes a mixture of traditional two storey houses and bungalows. The remainder of the site is surrounded by Green Belt land. A short distance to the south east is Hinchliffe's farm shop and there is an area of protected woodland to the east of the site on the opposite side of Hawkroyd Bank Road.

3.0 PROPOSAL:

3.1 Full application for the erection of 250 dwellings.

3.2 The proposed layout shows a mixture of detached, semi-detached and terraced dwellings set off a series of estate roads and private driveways and interspersed with pockets of green space along with landscaped buffers to much of the external site boundaries.

3.3 Each parcel of land is served via a single estate road off Netherton Moor Road and a number of properties also have individual points of access directly off the public highway.

3.4 The proposal comprises of a mixture of two and three storey properties where the three storey properties have their upper floor within the roof space.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 None

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

5.1 A formal pre-application enquiry was submitted in 2019 for the erection of 220 dwellings on the site. The applicant was advised to reconsider the proposed density of development in relation to the council's policy on the efficient use of land (LP7) i.e. increase the density so that it better reflected the indicative capacity of these two housing allocations. Technical advice was provided on highway matters as well as guidance on drainage, trees/ecology and conservation issues.

5.2 When this application was first submitted it was for 215 dwellings. Officers requested that the applicant increase the density by improving the housing mix and reducing the number and/or size of the pockets of open space within the site. In response to this the applicant submitted the current proposal for 250 dwellings and the relevant supporting information was updated accordingly.

5.3 The increase in the quantum of development has been achieved in part by the removal of the dwellings that were to be constructed under the applicant's Charles Church brand and which predominantly comprised around 70 larger family houses on the eastern parcel. The development would now be entirely built out under the Persimmon brand and includes more semi-detached and terraced housing. The house types across the site were amended alongside the layout change. The numerous areas of open space have also been altered to make a more efficient use of the land.

- 5.4 Additional information was requested to support the highways and drainage assessments and there have been changes to the internal site layout to address highway issues.
- 5.5 The spread of affordable housing across the site has been amended so that there is more 'pepper potting' of the affordable dwellings. A contribution towards the Meltham Greenway has also been sought from the applicant.

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

6.2 Kirklees Local Plan (2019):

LP1 – Presumption in favour of sustainable development
LP2 – Place shaping
LP3 – Location of new development
LP5 – Masterplanning sites
LP7 – Efficient and effective use of land and buildings
LP11 – Housing mix and affordable housing
LP20 – Sustainable travel
LP21 – Highway safety and access
LP22 – Parking
LP24 – Design
LP27 – Flood risk
LP28 – Drainage
LP30 – Biodiversity and geodiversity
LP32 – Landscape
LP33 – Trees
LP35 – Historic environment
LP49 – Educational and healthcare needs
LP51 – Protection and improvement of local air quality
LP52 – Protection and improvement of environmental quality
LP63 – New open space
LP65 – Housing allocations

6.3 Supplementary Planning Guidance / Documents:

Highway Design Guide Supplementary Planning Document
Kirklees Interim Affordable Housing Policy (January 2020)

6.4 National Planning Guidance:

Chapter 2 – Achieving sustainable development
Chapter 5 – Delivering a sufficient supply of homes
Chapter 8 – Promoting healthy and safe communities
Chapter 9 – Promoting sustainable transport
Chapter 11 – Making effective use of land
Chapter 12 – Achieving well-designed places
Chapter 15 – Conserving and enhancing the natural environment
Chapter 16 – Conserving and enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been subject to two rounds of publicity. The application was initially publicised by site notices, neighbour letters and press advert. A second round publicity was undertaken following the increase in the number of dwellings to 250 and the submission of additional and amended supporting information; this involved sending letters to all neighbours and interested parties.

7.2 In response a total of 774 comments have been received to both rounds of publicity. A summary of the representations received is provided as follows:

General principle

- Site is Green Belt and should be protected
- Brownfield sites should be developed before greenfield sites such as this
- Loss of agricultural land
- Unsustainable location for a development of this scale

Density

- Overdevelopment/too many houses proposed
- The amendment to the application to increase the number of houses from 215 to 250 exacerbates the impacts of the development

Heritage

- Harmful impact on heritage including Castle Hill and Honley Conservation Area

Visual amenity/character:

- Negative impact on the character and visual amenity of the area as well as the wider landscape setting
- Loss of green fields
- Erosion of the character of Netherton village
- Village will feel more like a housing estate
- Unattractive house designs/design not in keeping with surroundings
- Natural stone should be used
- No dwelling should be greater than two storeys in height (2.5 storey dwellings inappropriate)

Residential amenity

- Detrimental impact on the adjacent residential properties – overlooking/loss of privacy, overbearing effect, loss of light/overshadowing and loss of outlook
- Dwellings and garages too close to the boundary with adjacent property, many of which are bungalows
- Impact on noise pollution
- Impact on air pollution/air quality
- Light pollution
- Amenity concerns with the proposed foul pumping station
- Concerns that garages will be converted into living accommodation

Highway safety

- Technical notes have been submitted which provide a detailed review of the applicant's Transport Assessment and the highways implications of the development.
- The traffic generated will add to congestion on the local road network to the detriment of highway safety
- The local road network is unsuitable to cope with the additional traffic generated
- The safety of local people who use this area would be prejudiced; this includes walkers, horse riders, school children, dog walkers, cyclists, elderly residents and young families.
- Local road infrastructure requires upgrading to accommodate the development e.g bridge strengthening, road widening, footways and lighting
- This section of Netherton Moor Road is a country lane and unsuitable for the proposed level of traffic
- Netherton Moor Road lacks footways to provide safe pedestrian access
- Poor walking access routes within the locality
- The PROW to the east of the site is not a suitable access route, as has been suggested by the applicant
- Proposed highway works are insufficient/inadequate
- There are existing highway safety issues in the vicinity of the site and the development will add to these
- Some of the house types have substandard sized garages
- Area is used by walkers and horse riders; development will affect safety of existing users
- The proposal will add to the traffic and highway safety issues arising from other approved housing developments in the local area
- Concerns that on-street car parking will harm highway safety
- Additional wear and tear on the road network
- Existing issues with highway safety close to the local infant and junior school; development will add to this
- Supporting highway information is insufficient and inaccurate
- Transport links are inadequate
- The frequency of local bus services is poor and undermines the applicant's Travel Plan
- Traffic issues may impact on emergency response vehicles

Drainage/flood risk

- Detrimental impact on drainage
- Loss of natural drainage
- Development will increase flood risk off-site
- Development will add to existing drainage/flooding problems
- Concerns that the proposed soakaway system is unsuitable and will not work and will result in re-emergence causing flooding problems

Ecology

- Detrimental impact on wildlife/ecology, including protected species
- The site is rich in wildlife; this will be lost
- Loss of habitat
- Development will harm the ecological value of adjacent land

- Nocturnal species will be affected by light pollution
- Impact on ancient woodland

Infrastructure

- Impact on local infrastructure including schools, medical facilities, roads, sewage system and shopping facilities.
- The Co-op store in Netherton is a convenience store and not a supermarket, as suggested by the applicant
- Current infrastructure is already overstretched and cannot cope with the additional burden that would arise from 250 new dwellings

Other matters

- Impact of construction on local residents – disruption, highway safety concerns and nuisance
- Much of the supporting information is flawed and there are concerns with its accuracy
- Proposed housing does not meet a full range of needs e.g. no bungalows provided
- Insufficient time to comment on the amended plans
- Impact of dust on livestock and crops
- Concerns raised with the quality of the applicant’s construction based on their other developments
- Layout not conducive to crime prevention
- Development will result in a loss of amenity value currently provided by the site
- The contribution to the Meltham Greenway is a ‘sweetener’ to get the application approved
- No proposals for play areas
- Impact on climate change

7.3 Ward Councillors were notified of the application and the amended proposals. The following comments have been received:

Councillor Manisha Kaushik

“As a Local Ward Councillor I would like to object to this application on the following grounds:

The erection of 215 new homes for Plots HS19/HS21 is totally excessive and cannot be accommodated on this site. Indeed, Persimmon & Partners plan to build 215 homes which covers half the allotted Green Belt land for East of Netherton Moor Road. Hence, the housing totals are already in excess of that allocated to the site for plots (Ref, Local Plan 281/ 283 now HS19/ HS21).

Also, there would be significant impact on traffic and safety throughout Netherton Village and insufficient infrastructure to support the additional load for School and Doctors/Dentist surgeries.”

Councillor Kaushik subsequently commented that *“Please note that my previous objections still stand as I believe even 250 houses are still excessive on these two housing allocation site.”*

"I write to express my concerns at the proposed development on land to the east and west of Netherton Moor Road (application number 2019/62/93550/W).

Let me say first of all that I appreciate very keenly the need to make communities like Netherton sustainable, and believe that new housing can and should play a part in this if we are to ensure that the village is able to provide a home and a future for the next generation of inhabitants. My objections are prompted not by a blanket dislike of new developments, but by several very specific concerns about this particular application which I feel have not been adequately addressed, and which are causing great concern to my constituents.

*The first and most obvious of these is **Highways**. There are already significant issues around this in Netherton.*

The developer's own modelling shows that the junction of Moor Lane/Meltham Road will be operating over capacity. This junction is already problematic, particularly at peak times, but can easily back up at quieter times as well. This will have a knock on effect for the rest of Netherton but also further afield. I am concerned that no mention appears to have been given to the alternative routes which already back up when this junction is busy, namely Bank Foot/Armitage Bridge and Delph Lane/Meltham Road.

I am also unconvinced by the walking and public transport plans. The area around Netherton is certainly a beautiful one for walking and cycling, but it is by no means always easy or suitable for daily commuting in this way - particularly school and nursery drop-offs, which will obviously involve young children, pushchairs, etc. The PROW cited in the plan is an unlit, unpaved mud track through Mag Wood, emerging on a blind bend at Bank Foot. I do not believe that this is in keeping with the council's post-COVID commitment to sustainable walking and cycling routes and can not see any commitment from the developer to improving this route. The alternative option - walking into Honley - is also not necessarily an easy walk. Sections of the route are without footpaths and there are significant steep gradients, with implications for those with disabilities, pushchair/wheelchair users, etc.

*Secondly, **the environment**.*

West Yorkshire has seen catastrophic flooding over recent years, and at our current rate of environmental crisis, this is likely to worsen rather than ease. This is a significant concern to me on this application, as the area around Sandbeds is particularly prone to flooding. The site currently acts as natural drainage, and I am very concerned that the LITHOS survey does not guarantee that the measures proposed by the developer will be adequate.

I also note that the number of houses has increased from 215 to 250. I understand that this is as a result of discussions with the council indicating that the developer was not using the site to full capacity. However, this is concerning both in terms of the corresponding increase in impact of the development, but also in the quality of the houses which would eventually be built now being much more crowded together with no buffer between several dwellings on the east side. The increase is also likely to cause a corresponding increase in demand for local services and amenities - schools, doctors, dentists, etc - which I do not believe to be sustainable.

I also have concerns about the bigger picture. It must be appreciated that there are other developments proposed in the area - while I understand that these are not currently under consideration, this is an issue that is of concern locally.

Netherton residents are not stupid, and in discussions I have had, there is a keen appreciation that some growth and development is natural and necessary if people are to have somewhere to live. But the proposal still only contains 50 affordable homes, which may be 'policy compliant' but in my view is not an adequate contribution to the council's commitment to tackling the national housing crisis. A total of 50 affordable homes means that 200 are still unaffordable. A development of this size is a major statement about what kind of community we are allowing Netherton to become. The fact that only 20% of it is likely to ever be accessible to local residents, their children, and their grandchildren is a statement I cannot support.

We are living through a period of social and economic change which is unprecedented in living memory. Every individual, household and community has been through what can conservatively be described as a traumatic experience. My hope for Netherton - and indeed for all the communities I am privileged to represent, and for our country - is that as we emerge from lockdown and the immediate threat of a global pandemic, we use this opportunity to build back better. Netherton has been lucky to benefit from a strong community response which continues to operate online and in person. There is a real community spirit, with people coming together organically to articulate their ambitions for where they live. This is not simply NIMBYism but a strong and ambitious vision for Netherton and the wider area.

Another positive effect of the pandemic has been environmental, with more people getting out to explore their own locale by foot and bike, and fewer commercial flights and commuters leading to drastic falls in air pollution. It feels as though we will never have a better time to ask what we can do to maintain this link people now feel with their local areas, and the historically low impact we are having on our planet. I am pleased that the administration of Kirklees Council has agreed with this viewpoint, and made a commitment going forward to do better than simply returning to what went before.

In this context, when deciding whether or not to support this application, I have asked myself whether it would be a positive contribution to this vision of a better society. Unfortunately, I am unable to agree that it would and therefore must ask you to consider my objections when making your decision."

- 7.4 Comments have also been received from two ward councillors in the neighbouring Holme Valley North ward.

Councillor Charles Greaves has commented on the original plans as follows: "What improvements will be made to the road and footways leading from the development into Honley and to Armitage Bridge?"

Lots of Netherton children attend Honley High and they walk along these roads to Magdale and then cross the main road to the steps leading to the back way to Honley. There are a lot of children who walk this route and improved walking facilities are needed.

There is an opportunity to improve road width and introduce proper footways on Hawkroyd Bank Road and on Netherton Moor Road - not just along all of the proposed estate road frontages, but beyond them too. Just adding footways onto the site frontage with Netherton Moor Road will provide little real improvement."

Councillor Terry Lyons has stated that *"I would request that a contribution be given from the Netherton application towards the Meltham Greenway that runs through Netherton and hopefully will continue to Lockwood."*

- 7.5 Holme Valley Parish Council have also provided comments on the application. The proposed development is outside the Holme Valley parish border but adjoins it. The following comments have been received which relate to both iterations of the proposed scheme:

"The Committee has major concerns regarding the intensification of the site; safety concerns regarding safe, pedestrian walking routes especially schoolchildren walking to Honley schools; no footpaths or lighting to access roads; too few access roads will cause difficulties especially at school times; building so many houses in one go is concerning; impact on Honley Conservation Area (Magdale/White Gate), wildlife habitats, and narrow through-roads to Honley will be detrimental; concern regarding to sewage infrastructure ability to cope."

- 7.6 Jason McCartney MP holds an interest in the application although formal written comments have not been received.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways Development Management – No objections subject to conditions

KC Lead Local Flood Authority – No objection subject to conditions and further technical specification being provided for the proposed soakaway system.

8.2 Non-statutory:

KC Conservation and Design – No objection

KC Environmental Health – No objection subject to conditions

KC Arboricultural Officer – No objection subject to a condition requiring that the development is carried out in accordance with the submitted Arboricultural Impact Assessment and Tree Protection Plan

KC Ecology Unit – No objection subject to a condition for a Landscape and Ecological Management Plan (LEMP).

KC Education – A contribution of £617,768 towards primary education provision within the vicinity of the site is required.

KC Strategic Housing – 50 affordable units are provided which is in line with Policy LP11. The spread of affordable dwellings across the site has been improved and is now acceptable. The relative proportion of two and three bedroom properties could be reviewed to better reflect local need because there is a greater demand for three bedroom houses.

KC Landscaping Section – An off-site contribution of £243,096 is required towards open space provision within the vicinity of the site. Full details of the hard and soft landscaping should be secured via condition.

KC Public Health – Support the measures set out in the submitted Health Impact Assessment

Yorkshire Water – No objection

West Yorkshire Archaeology Advisory Service - An archaeological evaluation of the site should be undertaken, this can be secured via a planning condition.

Police Architectural Liaison Officer – Concerns raised with the proposed rear access paths and the defensible space to plots 103 and 181. Clarification sought on the lighting of the access roads.

9.0 MAIN ISSUES

- Principle of development
- Density and housing mix
- Urban design issues
- Heritage
- Landscape issues
- Residential amenity
- Highway issues
- Drainage issues
- Trees and ecology
- Planning obligations
- Representations
- Air quality
- Climate change
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The application site forms two separate housing allocations within the Local Plan that lie to the east and west of Netherton Moor Road; HS19 to the west of Netherton Moor Road and HS21 to the east.
- 10.2 The principle of residential development on the land is therefore accepted in accordance with the land's allocation in the Local Plan.
- 10.3 The Local Plan Site Allocation boxes set out a number of constraints and site specific issues for these housing sites. These are all addressed within this appraisal.

Density and housing mix

- 10.4 HS19 has an indicative capacity of 123 dwellings and HS21 has an indicative capacity of 155 dwellings giving a combined indicative capacity of 278 dwellings across these two housing sites.
- 10.5 Local Plan Policy LP7 states that “housing density should ensure efficient use of land, in keeping with the character of the area and design of the scheme” and that developments should achieve a net density of at least 35 dwellings per hectare; with lower densities only acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised or to secure particular house types to meet local housing needs.
- 10.6 Chapter 11 of the NPPF promotes an effective use of land in meeting the need for homes.
- 10.7 The Design and Access Statement sets out a number of constraints that impact on the density of the site:
- A buffer zone to the east of HS19 to mitigate the impact on the ancient woodland to the east;
 - Landscape buffers to manage the transition to the green belt and to preserve the setting of Honley Conservation Area;
 - Suitable separation distances to adjacent dwellings which include numerous bungalows;
 - Castle Hill and maintaining views to it;
 - The topography of the western edge of the site;
 - Surface water drainage and the incorporation of soakaways, the location of which are influenced by underlying ground conditions;
 - Flood routing – there is a known flood route stemming from the northern boundary of site HS21 which should be kept free from development.
- 10.8 The applicant states that the above constraints create a series of relatively fixed development cells which ultimately determines the developable area and residential capacity of the site.⁶
- 10.9 The originally submitted scheme was for 215 dwellings which represented a relatively significant shortfall on the indicative capacity of the site. Officers had concerns that this was an inefficient use of housing land and requested that the applicant review the density of the site.
- 10.10 The scheme was subsequently amended and the quantum of development increased to 250 dwellings. This was achieved by altering the mix of houses across the site to include a greater proportion of semi-detached and terraced dwellings, general layout changes including the removal of one of the two proposed access roads serving HS19 and having properties fronting directly onto Netherton Moor Road, as well as minimising the size of the pockets of green space within the site which form part of the surface water drainage strategy (soakaways).

- 10.11 The density of development is just over 30 dwellings per hectare based on the net developable area in the Local Plan which removes the buffer to the eastern boundary. There are nevertheless a number of other site specific constraints which have been identified above and officers accept that these have a substantial impact on the density that can realistically be achieved. The surface water drainage strategy is a notable constraint because it requires areas of undeveloped land to house the soakaways with suitable buffers to the nearest buildings. This strategy has been accepted by the Lead Local Flood Authority (LLFA) as the most appropriate solution and the only feasible alternative would be to pump surface water which would be a much less sustainable option and would result in an objection by the LLFA.
- 10.12 The proposal represents a comprehensive development of these two housing allocations and officers consider that the proposed density of development strikes an acceptable balance between an efficient use of this housing land and delivering a good quality layout that would provide an attractive place to live. Furthermore, it is considered that the proposed density of development would not be out of keeping with the established pattern of development and in this regard the proposal would successfully assimilate with the existing settlement.
- 10.13 The level of objection to the amount of development on the site is acknowledged however it must be recognised that these housing sites came forward as Green Belt release sites under the Local Plan process and it is important that they are utilised efficiently. If housing sites such as these consistently fall below their capacity over the lifetime of the Local Plan it will impact on the Council's five year housing land supply which will in turn put pressure on other sites across the district. Furthermore, if there is a significant shortfall in the Council's housing delivery at the end of the Local Plan period then it is likely that there would be greater pressure to release further Green Belt land in the future as part of subsequent local development plans.
- 10.14 In terms of the proposed housing mix, the range and size of property types has been improved. The scheme now provides 136 semi-detached and terraced properties and 114 detached dwellings which is considered to represent a satisfactory mixture of dwelling types. Furthermore, the number of two and three bedroom dwellings has been increased, the number of four bedroom properties has been reduced and there are no longer any five bedroom houses. There is now considered to be an acceptable mix of house types which would meet different housing needs.

Urban Design issues

- 10.15 Policy LP24 of the Local Plan states that good design should be at the core of all proposals and this should be promoted by ensuring that the form, scale, layout and details of all development respects and enhances the character of the area. Guidance within the NPPF also seeks to achieve well-designed places (chapter 12).
- 10.16 The scheme delivers a mixture of property types of differing design. The overall design approach to the dwellings would respect the local vernacular and is considered to be acceptable.

- 10.17 The vast majority of the dwellings are two storeys in height with a proportion having a third floor of accommodation within the roof space meaning that these dwellings appear as 2.5 storey properties. The 2.5 storey dwellings have been peppered throughout the site and are predominantly located internally to the development rather than being to the periphery. The 2.5 storey properties help to add some visual interest and variety to the street scene.
- 10.18 The development has properties directly accessed from and fronting onto Netherton Moor Road which maintains the pattern of development to the north. Furthermore, the scheme now includes green verges to the highway which form a continuation of the established residential streetscene.
- 10.19 The layout also provides principal elevations to the open land to the south which gives a positive interface to the Green Belt.
- 10.20 There are numerous areas of green space within the site including landscaped buffers to the boundaries which help to give a sense of openness within the built form.
- 10.21 Facing materials are to be agreed although the applicant envisages artificial stone across the whole site. Officers consider that a good quality artificial stone would be acceptable and appropriate for this edge of settlement site which also forms part of the setting of the Honley Conservation Area. Materials can be agreed through a planning condition.
- 10.22 Full details of the hard and soft landscaping can be secured by condition including details of the proposed bin stores where they are to the front of properties.
- 10.23 Overall the proposal is considered to comply with Policy LP24 of the Local Plan and guidance in the NPPF.

Heritage

- 10.24 The application site has the potential to influence the significance of a number of nearby heritage assets as a result of being part of their setting. These are Castle Hill scheduled monument and the Grade II Listed Victoria Tower which lie approximately 2.5km to the north east and Honley Conservation Area which lies around 300m to the south of the site. In addition, the site is located some 300m to the northwest of Virginia House.
- 10.25 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 establishes that “in considering whether to grant planning permission 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.”
- 10.26 Section 72(1) of the Act states “with respect to any buildings or other land in a conservation area... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.” Whilst the site does not fall within the Honley Conservation Area the proximity to the Conservation Area boundary is such that due regard should be paid to the impact on this heritage asset.

- 10.27 Chapter 16 of the NPPF provides guidance in relation to conserving and enhancing the historic environment and Policy LP35 of the Local Plan relates to the historic environment. Policy LP35 underlines the specific need to preserve the setting of Castle Hill.
- 10.28 The application is supported by a Heritage Impact Assessment which considers the impact on the setting of the aforementioned heritage assets and concludes that the development would have a neutral impact.
- 10.29 The Council's Conservation and Design team have assessed the application. Officers consider that the layout, scale and appearance of the proposal combined with the separation distances to the identified heritage assets are such that the development would not result in any unacceptable harm. It is therefore considered that the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 have been met and that the application is in accordance with chapter 16 of the NPPF as well Policy LP35 of the Local Plan.

Landscape issues

- 10.30 The existing site is agricultural land comprising of four distinct fields separated by drystone walls. The main landscape features are the boundary walls along with sporadic trees to the periphery of the site.
- 10.31 The site is immediately on the edge of Netherton village and the proposal would extend the village boundary towards the south. The development would be surrounded by open fields on its southern flank which allow long distance views across the Holme Valley, with Hinchliffe's farm in the near distance. Some enclosure is provided by the ancient woodland to the east of the site and the site borders open land on its south western edge with woodland beyond.
- 10.32 Policy LP32 of the Local Plan relates to the landscape. It states that proposals should be designed to take into account and seek to enhance the landscape character of the area considering in particular the need to protect the Peak District National park including views in and out of the park; the setting of settlements and buildings within the landscape; the patterns of woodland, trees and field boundaries and; the appearance of rivers, canals, reservoirs and other water features within the landscape.
- 10.33 In addition, Policy LP24 of the Local Plan requires proposals to have regard to the landscape. It requires, *inter alia*, that the form, scale, layout and details of all development respect and enhance the character of the landscape.
- 10.34 The application is supported by a Landscape and Visual Impact Assessment. It concludes that visibility of the site is constrained to a relatively small area as a result of the effects of relative topography, by the built edge of Netherton and by the woodland formed by Mag Wood and Spring Wood. Beyond this area the development may be visible as a component of a larger panorama but at distances that make the visible development of negligible impact. As such the assessment considers that this is a discreet location for the introduction of housing, with the visible effect of the development diminishing further by proposed landscaping of the site.

- 10.35 The proposal is for a mixture of two and three storey dwellings although the upper floor of the three storey dwellings is contained within the roof space which limits the overall height of these dwellings and ensures the scale is in keeping with the established character of the adjacent settlement.
- 10.36 The proposed layout incorporates landscape buffers to the external site boundaries. This includes an undeveloped buffer to the south western boundary and a green edge of varying width along the southern part of the site which help to manage the transition between the built form and the adjacent Green Belt. There is also a buffer along the eastern boundary adjacent to the ancient woodland, which is required for housing allocation HS21. Buffer planting is proposed along the vast majority of the boundary with the existing houses to the north.
- 10.37 It is proposed to retain and make good the existing drystone walling to the external site boundaries and this will help to retain some of the landscape character of the area.
- 10.38 In conclusion it is considered that the proposal would successfully assimilate itself within the landscape without resulting in any significant harm and as such the application is considered to comply with Policies LP32 and LP24 of the Local Plan.

Residential amenity

- 10.39 Policy LP24 of the Local Plan states that development proposals should provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings. The NPPF also seeks to ensure that developments create a high standard of amenity for existing and future users.
- 10.40 The site borders existing housing along the full length of its north eastern boundary and a large number of these adjacent properties form bungalows. Some of the existing dwellings back onto the site and others have a side elevation facing onto the site. The properties with a side elevation to the site are generally close up to the boundary.
- 10.41 The proposal seeks to mitigate the impact on these adjacent dwellings through the layout, scale and landscaping of the development. It is to be noted that all of the new dwellings that border the existing houses are a maximum of two storeys in height.
- 10.42 Some of the proposed dwellings have a rear elevation facing the existing houses and others have a side elevation onto the existing houses.
- 10.43 Where there is a rear elevation to rear elevation relationship the separation distance varies from approximately 20m to over 25m. The closest relationship is between plot 23 and the conservatory belonging to 14 Swallow Grove. Separation distances are then in the order of 21m and above.
- 10.44 There are a number of instances where the rear elevation of an existing dwelling would face onto the side elevation of a new dwelling. In these cases the separation distances is at least 12m and more often comfortably in excess of this.

- 10.45 There are also a small number of cases where there would be a side elevation to side elevation relationship between existing and new dwellings. The closest of these relationships is between plot 207 and the bungalow that forms no.27 Lavender Court (7.8m separation) and between plot 242 and no.68 Netherton Moor Road (circa 9m separation). In both of these cases the existing dwellings have windows with a prominent aspect onto the site. Whilst this is a relatively close relationship it is not considered to be inappropriate for dwellings that are side by side.
- 10.46 The proposed layout includes substantial buffer planting along much of the north eastern boundary including to all of the existing dwellings that have the most direct relationship with the site. This would help to mitigate the impact of the development. It is recommended that a full planting schedule is secured through a condition to ensure that the planting provides a suitable buffer.
- 10.47 The house types that have a side elevation onto existing houses do not have any habitable windows directly overlooking adjacent property although there are some non-habitable upper floor windows such as landing windows. These could be fitted with obscure glazing to prevent any sense of overlooking.
- 10.48 In some cases the new dwellings are partially off-set from existing adjacent dwellings which helps to mitigate the impact on certain properties, although this is not the case across the entire site.
- 10.49 The proposed dwellings that are adjacent to the north eastern boundary are limited to two storeys in height and the separation distances provided combined with the proposed soft landscaping results in an acceptable layout that would provide a sufficiently high standard of amenity for existing and future occupiers.
- 10.50 The layout includes a number of garages on the eastern parcel of land that are close up to the boundary with the existing houses. The garages are single storey and it is considered that they are of a scale that would not unduly harm the amenity of existing residents.
- 10.51 A Noise Impact Assessment has been submitted in support of the application. The report considers the potential noise impact on the development and in particular the impact on plot 250 which is only some 5m from Netherton Moor Road. The report predicts the external noise levels at plot 250 and concludes that with windows closed satisfactory indoor sound levels would be achieved. However, the report fails to consider the indoor noise levels that will arise with windows open. From the predicted levels it appears that with windows open unsatisfactory indoor sound levels will arise. In the absence of any detailed assessment of indoor sound levels with windows open (that clearly shows that satisfactory sound levels can be achieved in these circumstances) a condition requiring an alternative ventilation strategy is considered necessary. This will need to provide details of the alternative ventilation that will be installed in plot 250 to enable windows to be kept closed in order to achieve satisfactory indoor sound levels. The alternative ventilation will need to be sufficient to replace that normally provided by open windows and thereby be capable of providing summer cooling to help avoid overheating during hot weather.

10.52 The application is also accompanied by an odour impact assessment. This identifies that there are two sources of odour within 75m of the proposed development which have the potential to expose future residents to existing odours and impact their amenity. The two sources being Hinchliffe's Farm Restaurant and Hinchliffe's Farm chicken shed. The report concludes that the overall predicted odour effects on future residents of the development would not be significant. Kirklees Environmental Services have assessed the report and agree with the methodology and its conclusions. No mitigation is required.

Highway issues

10.53 The application is supported by a Transport Assessment and further information and clarification relating to the Transport Assessment, including the methodology used, was provided by the applicant so as to enable a full assessment of the impact of traffic associated with the proposal.

10.54 A detailed analysis of the Transport Assessment has been provided within the Highways Development Management consultation responses. In summary, officers accept the vehicular trip generation figures for the development and consider that the additional vehicle movements on the highway network can be safely accommodated.

10.55 The Transport Assessment provides full junction capacity modelling at the following key junctions:

- The site access junction
- The junction of Meltham Road/Moor Lane/Chapel Street
- The junction of Netherton Moor Road/Moor Lane/Delph Lane

10.56 The modelling indicates that there would be some minor delays at peak times at the junction of Meltham Road/Moor Lane. Officers have considered whether any physical alterations could be incorporated at this junction to reduce this impact however it is not considered that there are any measures that could practically be provided to significantly alter the delay.

10.57 Officers are however of the opinion that the impact of this slight delay at the Meltham Road/Moor Lane junction can be mitigated through a robust Travel Plan which would facilitate a modal shift to sustainable travel modes and thereby reduce reliance on private cars.

10.58 An interim Framework Travel Plan has been submitted which would be developed into a full Travel Plan. The Travel Plan would be monitored for five years with the cost of this borne by the applicant. Contributions are also sought towards a package of sustainable transport measures including the upgrade of two nearby bus stops, the provision of residential Metro Cards and a £50,000 contribution towards the delivery of the 'Meltham Greenway' – which is part of the core walking and cycling network within the Local Plan and passes within the wider vicinity of the site.

10.59 Amendments have been made to the internal site layout and it is now considered to be satisfactory from a highway safety perspective. Acceptable parking arrangements have been provided to serve the development and a footway link is provided within the site boundary adjacent to Hawkroyd Bank Road. Conditions are recommended regarding detailed design of the junctions onto Netherton Moor Road, the internal estate roads and highway retaining structures.

- 10.60 As part of the development Netherton Moor Road is to be upgraded along the site frontage to bring the road up to current standards; this includes the provision of drainage and street lighting as well as an alteration to the current speed limit. Footways are to be provided along both sides of Netherton Moor Road and the footway to the western parcel of land would continue down Netherton Moor Road to the access with Hinchliffe's Farm shop. A condition requiring full details of the highway works is recommended.
- 10.61 In summary, it is considered that the traffic generated by the development can be safely accommodated on the local highway network and the slight delay that has been identified at one of the key junctions in Netherton can be mitigated with the help of a robust Travel Plan. The overall layout of the site is considered to be acceptable to Highways Development Management. The application is considered to comply with Policies LP20, LP21 and LP22 of the Kirklees Local Plan and guidance in the NPPF.

Drainage issues

- 10.62 It is proposed to drain surface water via soakaways; this includes both the highway and residential surface water drainage.
- 10.63 Satisfactory evidence has been provided by the applicant to demonstrate that ground conditions can support the use of soakaways.
- 10.64 The Lead Local Flood Authority have accepted that the use of soakaways represents the optimum drainage solution for this site based on the surface water drainage hierarchy and having considered the alternative options available. The only practical alternative to soakaways is to pump surface water which would be contrary to Policy LP28 of the Local Plan, which sets out a general presumption against pumping surface water.
- 10.65 The Lead Local Flood Authority raise no objections to the application subject to further technical specification being provided to address a potential surcharge within the system and subject to conditions to agree the final detailed design of the proposed drainage scheme.
- 10.66 Foul water is to be pumped to the existing public sewer network and Yorkshire Water have not raised any objections to the proposed development.

Trees and ecology

- 10.67 The proposals do not directly affect any protected trees and the proposed layout provides a buffer to the eastern boundary which is adjacent to the ancient woodland that exists to the east on the other side of Hawkroyd Bank Road. The provision of this buffer will minimise any indirect impact on the ancient woodland.
- 10.68 The buffer is 15m wide, which is the minimum recommended buffer between development and ancient woodland according to Natural England. A small area of private drive encroaches slightly into this buffer zone but this is unlikely to have any significant impact on the ancient woodland, especially given the presence of the existing road.

- 10.69 The submission includes an Arboricultural Impact Assessment which includes a tree protection plan. This sets out how the development will be constructed whilst protecting existing trees/woodland. The Trees Officer has recommended a condition which requires the development to be carried out in accordance with the information provided.
- 10.70 The supporting ecological information indicates that the proposals will not result in significant ecological harm or harm to the function and connectivity of the Kirklees Wildlife Habitat Network which lies to the east of the site, subject to an appropriate ecological enhancement scheme and tree protection measures.
- 10.71 The Council's Ecology Unit has assessed the application and no objection is raised subject to a condition requiring a Landscape and Ecological Management Plan (LEMP) which will deliver the necessary ecological enhancement.
- 10.72 The application is considered to comply with Policies LP30 and LP33 of the Kirklees Local Plan and guidance in the NPPF.

Planning obligations

Affordable housing

- 10.73 The scheme provides a policy compliant affordable housing offer. Fifty affordable dwellings are to be provided on site which represents 20% of the total number of units. The dwellings are evenly spread between both parcels of land and are pepper potted within each parcel, enabling the affordable units to be well integrated alongside the open market housing.
- 10.74 The Council normally seeks a tenure split of 55% social or affordable rent to 45% intermediate housing. On this basis officers consider 28 social or affordable rented dwellings and 22 intermediate dwellings as being suitable for the development.
- 10.75 There is significant demand for affordable one, two and three bedroom homes in the area. The applicant proposes an affordable provision of 31 no. two bedroom and 19 no. three bed homes. The Council's Strategic Housing team have commented that whilst there is an undersupply of two bedroom homes in this housing market area, the undersupply of three bed roomed homes is significantly higher. The proposals would result in an oversupply of 2 bed homes and it has been suggested that the affordable mix could be altered to more closely align with local need.
- 10.76 The applicant has not amended the affordable housing offer in response to the above comments however the proposal is in accordance with Policy LP11 of the Local Plan and so on this basis officers do not raise any objections.

Education

- 10.77 Policy LP48 of the Local Plan relates to education provision. The Council's Education Service have advised that a contribution of £617,768 is required towards primary school provision.

Open space

- 10.78 LP63 of the Local Plan relates to open space provision. Some on-site open space is provided throughout the site including a 'trim trail' area to the western boundary. There is also a footpath link provided to Hawkroyd Bank Road which would enable easy access to an adjacent public right of way to the east of the site. Details of the future maintenance and management of the open space within the site are to be secured through a section 106 agreement.
- 10.79 The development also triggers a contribution for off-site open space provision which is £243,096. The contribution would be available to upgrade existing facilities in Netherton which are within the recommended walking distance of the site (720m).

Sustainable travel

- 10.80 A sustainable travel fund of £127,875 for Metro Cards and £26,000 to provide two bus shelters at existing bus stops is to be secured. In addition the applicant is offering a £50,000 contribution towards the delivery of a section of the core walking and cycling network within the vicinity of the site (the Meltham Greenway).

Representations

- 10.81 A very high number (774) of representations have been received in response to this application. The overriding concerns of the local community relate to the highway impacts of the development; the impact on local infrastructure, services and amenities; the impact on the amenity of adjacent property to the north eastern boundary; the visual impact of the development and the change to the character of Netherton village; drainage and flood risk concerns and the impact on local wildlife. Many of these concerns have also been expressed by local ward councillors as well as the Parish Council and a ward councillor in the adjacent Holme Valley North ward.
- 10.82 Netherton Community Action Group are opposed to the development and it is to be noted that technical highway notes have been submitted as representations; these notes provide a detailed review of the applicant's Transport Assessment and the highways implications of the development. Highways Development Management have reviewed the technical notes as part of their overall assessment of the application.
- 10.83 The representations have been summarised earlier within this report. An officer response to the main points that have been raised is provided below.

General principle of development

Officer response: Contrary to some of the comments made, the application is not Green Belt land and it is not afforded any particular protection in planning terms. The land is allocated for housing and therefore the general principle of development has already been established through the Local Plan which was adopted in 2019.

It has been suggested that brownfield sites should be developed first and concerns raised with the loss of this greenfield site. There is not a 'brownfield first' policy and the proposal is bringing forward allocations that are set out in the Local Plan.

Density and housing mix

Officer response: The proposed density and housing mix is discussed in detail within the report. It is recognised that the local community wish to see fewer houses on the site but it is important to optimise the efficient use of designated housing land whilst ensuring that the wider impacts of the development remain acceptable.

Heritage

Officer response: Heritage issues have been addressed within the report.

Visual amenity/character

Officer response: Issues of urban design and landscape considerations have been considered within the report.

Residential amenity

Officer response: Residential amenity issues, including the impact on the adjacent properties to the north eastern boundary, the impact of noise and odour and the impact on air quality have been addressed within the report. The impact of the construction of the development can be mitigated through construction management plans and conditions are recommended to this effect.

Concerns have been raised with the potential impacts of the foul pumping station. This would be a managed and maintained facility and is not an uncommon feature of residential developments.

Concerns have been raised that garages could be converted into living accommodation; occupiers can generally convert garages into living accommodation without planning permission because it is not a change of use.

Highway safety

Officer response: Highways Development Management have carried out a thorough technical assessment of the application and have requested additional information from the applicant and amendments to the layout. The conclusions of officers are set out within the report.

Netherton Moor Road is to be upgraded to an acceptable standard including the provision of new sections of footway. The highway works are considered to be proportionate for the scale of development.

Drainage/flood risk

Officer response: No objections have been raised by Kirklees Lead Local Flood Authority as well as Yorkshire Water and on this basis officers are satisfied that the development is acceptable in drainage and flood risk terms, subject to conditions and the other matters set out in this report.

Ecology

Officer response: Ecology issues and matters relating to the ancient woodland have been addressed within the report.

Infrastructure

Officer response: With regard to the impact on education provision, the applicant is providing a financial contribution in line with the advice from the Council's Education section.

In terms of the impact on medical facilities, the scale of development is not at a level that would require new healthcare facilities to be required under Policy

LP49. Local healthcare provision is a matter for those particular providers and population data would form part of their planning for the delivery of services. The impact on drainage and road infrastructure has been assessed as being acceptable as discussed in this report. The development would help to support existing local shops.

Other matters

- 10.84 The layout has been assessed by the Police Architectural Liaison Officer. The applicant has sought to address some of the concerns raised, specifically in relation to reducing the number of rear access paths and providing lockable gates to the remaining rear access paths. It is considered that further crime prevention mitigation can be provided in respect of these paths by ensuring that the internal boundary treatment of specific rear gardens is limited in height to afford greater natural surveillance of the pathways. This can be secured by condition.
- 10.85 The Police Architectural Liaison Officer also has concerns with plots 103 and 181 as these are considered to be the most vulnerable to crime because of their location on the outer edge of the development. It has been recommended that the plans are altered to improve the defensible space around these two plots. It is considered that a condition can be imposed to address this particular issue.
- 10.86 The Police Architectural Liaison Officer has also sought assurances around the lighting of the highways. Lighting would be provided to the adopted highway although there would be short sections of shared private driveways which would be unlit.
- 10.87 The application site lies in an area of archaeological potential dating from at least the Bronze Age. The West Yorkshire Archaeology Advisory Service have advised that the application site is subject to an archaeological evaluation to fully evaluate its potential. It is appropriate for this to be secured by way of a planning condition.
- 10.88 The application is supported by site investigation reports which have been assessed and accepted by Kirklees Environmental Services. There are not any known contamination issues with the site but a condition requiring the reporting and remediation of any unexpected contamination that may be encountered during development operations is recommended.
- 10.89 To mitigate the impact of construction on the local community a condition is recommended requiring a construction management plan which would deal with highway safety and residential amenity issues.

Air Quality

- 10.90 The application is accompanied by an air quality impact assessment which concludes that air quality impacts as a result of the development would not be significant at any sensitive location in the vicinity of the site.

10.91 The report has been assessed by Kirklees Environmental Services having regard to West Yorkshire Technical Planning Guidance which is part of the West Yorkshire Low Emissions Strategy (WYLES). Environmental Services accept the methodology and conclusions of the report. To mitigate the impact on air quality it is recommended that electric vehicle recharging points are provided for the development (one per dwelling) along with the production of a Travel Plan (including mechanisms for discouraging high emission vehicle use and encouraging modal shift (i.e. public transport, cycling and walking) as well as the uptake of low emission fuels and technologies). These matters can be conditioned.

Climate change

10.92 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

10.93 As part of this application a Travel Plan to encourage the use of low emission forms of transport is to be provided along with a sustainable travel fund as referenced earlier within this appraisal. That fund includes a contribution towards the Meltham Greenway. Electric vehicle charging points are also to be provided. These measures will help to mitigate the impact of this development on climate change.

11.0 CONCLUSION

11.1 The principle of residential on the site is accepted in accordance with the site's allocation in the Local Plan.

11.2 The overall number of dwellings is below the indicative capacity of these two housing allocations but for the reasons set out in this appraisal the density of development is considered to be acceptable. The proposal also delivers an acceptable mixture of property types.

11.3 The scale, layout, design and landscaping of the site are such that the development would not result in any significant harm to the visual amenity of the area, the wider landscape, designated heritage assets and residential amenity.

- 11.4 A robust highways assessment has been undertaken and it is considered that the development would not result in any significant adverse harm to highway safety. This is subject to the submission of a full Travel Plan and conditions relating to detailed design.
- 11.5 The scheme delivers a number of benefits including on-site affordable housing, on and off-site open space and a contribution towards the Meltham Greenway. The proposal also makes the necessary provision for education needs arising from the development.
- 11.6 It has been demonstrated that the site can be drained appropriately and officers are satisfied that nearby protected woodland would be safeguarded. The development would also not unduly harm biodiversity.
- 11.7 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.
- 11.8 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

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

1. Time limit to implement the permission (3 years)
2. Development to be provided in accordance with the approved plans
3. Approval of facing materials
4. Full details of hard and soft landscaping including a detailed planting schedule for the buffer planting to the north eastern boundary and details of the internal boundary treatment for the gardens which have a rear access path
5. Construction management plan/s to mitigate the impact of construction on highway safety and amenity
6. Development to be carried out in accordance with the submitted arboricultural method statement
7. Scheme of archaeological investigation and recording
8. Temporary drainage scheme for the construction phase
9. Detailed design of the proposed surface water drainage strategy
10. Construction details for the upgrade of Netherton Moor Road including the proposed new footway provision
11. Detailed design of the new junctions off Netherton Moor Road
12. Provision of the proposed visibility splays at the new junctions off Netherton Moor Road
13. Detailed design of the internal estate roads
14. Detailed design of all highway retaining structures
15. Full Travel Plan
16. Landscape and Ecological Management Plan

17. Details of bin stores to front of plots
18. Reporting of unexpected contamination and remediation as necessary
19. Electric vehicle recharging points (1 per dwelling)
20. Noise mitigation measures for plot 250
21. Obscure-glazing to upper floor side elevation windows for those plots immediately adjacent to the north eastern boundary
22. Details of measures to improve the defensible space to plots 103 and 181

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f93550>

Certificate of Ownership – Certificate B signed (notice served on the owner/occupier of Healey Houses, Huddersfield, HD4 7DG).

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 16-Sep-2020

Subject: Planning Application 2020/91488 Reserved matters application pursuant to outline permission 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) (Phase 1) to include the discharge of Conditions 6 (BEMP), 17 (Site investigations), 18 (Tree Survey), 19 (PROW), 29 (Noise attenuation) and 31 (Electric vehicle charging points). Former North Bierley Waste Water Treatment Works, Oakenshaw, BD12 7ET

APPLICANT

Interchange 26 LLP

DATE VALID

22-May-2020

TARGET DATE

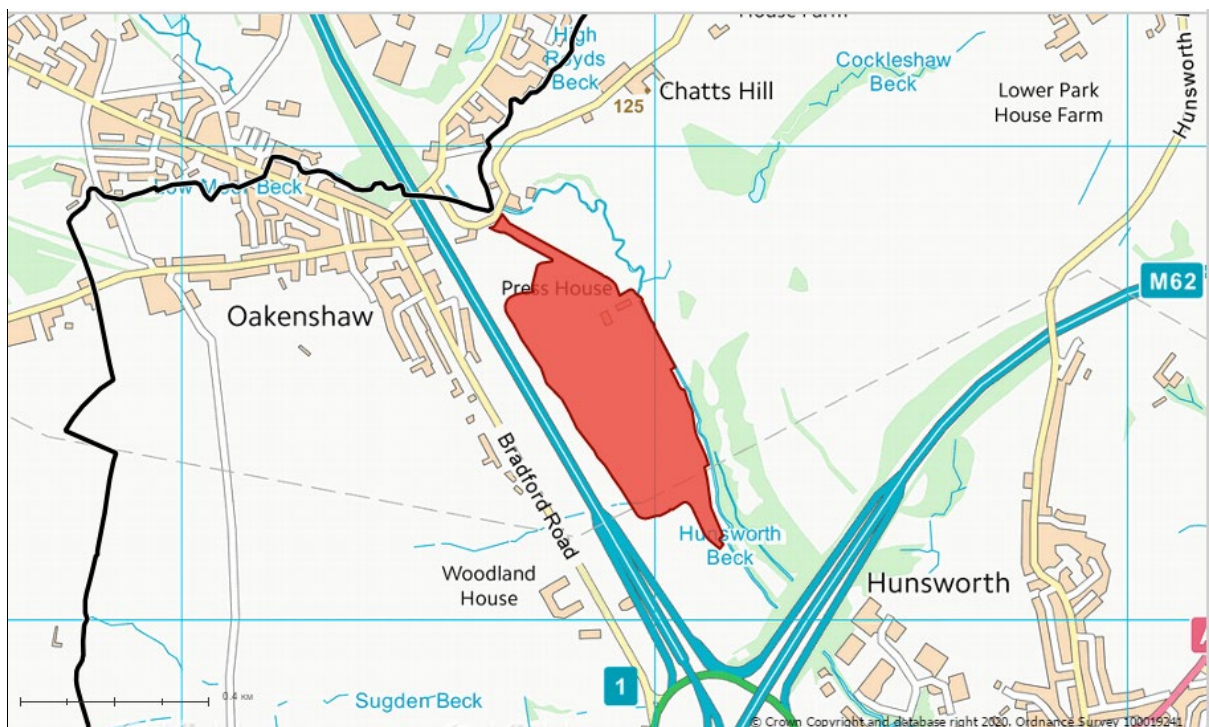
21-Aug-2020

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

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete a list of conditions, including those contained within this report.

1.0 INTRODUCTION:

- 1.1 In accordance with the Council's Scheme of Delegation, this application is brought to Committee on the grounds that it is a non-residential planning application where the site boundary exceeds 0.5 hectares and also, due to the significant volume of local opinion on the proposal.
- 1.2 Outline planning permission (2016/92298) for the re-development of the former waste water treatment works to provide employment uses within Use Classes B1(c) (light industrial), B2 (general industrial) and B8 (storage and distribution) was issued on 25th October 2018 following its approval at Strategic Planning Committee on 8th March 2018. This outline application was granted with all matters reserved subject to conditions and a S106 Legal Agreement.
- 1.3 A Non Material Amendment (NMA) application (2020/91436) was approved under Delegated Powers in May 2020 to allow for the non-material modification of the wording of Conditions 1, 2, 4, 6, 8, 9, 16, 17, 18, 19, 23, 24, 25, 26, 29, 30 and 31 of 2016/92298. This NMA did not alter either the intent or the requirements of the conditions on the outline permission but allows them to be submitted for each phase to allow for a phased approach to the delivery of the site. The NMA should be read in conjunction with 2016/92298 with the NMA providing the up-to-date wording of the conditions.
- 1.4 This application is a Reserved Matters submission pursuant to Phase 1 only. It seeks approval for matters of access, layout, scale, appearance and landscaping for this phase. Phase 1 specifically comprises the construction of the access road and the formation of plateaued, remediated and serviced development plots. It is, in effect, an application to discharge Conditions 1, 2 and 3 of 2016/92298, which require approval of the reserved matters from the Local Planning Authority in writing before the expiration of three years from the date of the outline permission.
- 1.5 In addition, the application also seeks to discharge Condition 6 (Biodiversity Enhancement Management Plan), Condition 17 (Site investigations), Condition 18 (Tree Survey), Condition 19 (PROW), Condition 29 (Noise attenuation) and Condition 31 (Electric vehicle charging points) of 2016/92298 as they relate to Phase 1.

2.0 SITE AND SURROUNDINGS:

- 2.1 In its entirety, the application site extends to approximately 23 hectares incorporating the area of the former North Bierley Waste Water Treatment Works (WWTW) as well as agricultural fields. It is situated to the north-west of the M62 and to the east of the M606. The site slopes down from the north to the south with motorway embankments to the south and west.
- 2.2 Access to the site is achieved from Cliff Hollins Lane utilising the road that previously served the WWTW. This connects onto Mill Carr Hill Road, which rises up to join Bradford Road. Turning left onto Bradford Road then provides a connection to Junction 26 of the M62.
- 2.3 The surrounding area is broadly residential in character. The site is positioned between the settlements of Oakenshaw to the north and Cleckheaton to the south. The village of Oakenshaw is broadly to the north-west of the site and includes dwellings positioned along Bradford Road, to the west of the M606. There are further residential properties to the north-east and north-west of the site, along Cliff Hollins Lane (which are closest to the site) and Mill Carr Hill Road. The Woodlands C of E Primary School lies at the bottom of Mill Carr Road, close to the junction with Cliff Hollins Lane.

3.0 PROPOSAL:

- 3.1 The outline planning permission, which was granted with all matters reserved, established the principle of the demolition of the WWTW structures and the subsequent development of the site for employment use to provide a maximum of 35,284m² of B1, B2 and B8 uses.
- 3.2 This is a Reserved Matters application to discharge Conditions 1, 2 and 3 of 2016/92298 in relation to the first phase of development.
- 3.3 Condition 1 of 2016/92298 requires the following:

'Approval of the details of the access, appearance, scale, landscaping and layout of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: No details of the matters referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority'

- 3.4 Conditions 2 and 3 state:

'Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the access, appearance, scale, landscaping and layout of the site shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

Reason: No details of the matter referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

Application for approval of any reserved matter shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004'.

- 3.5 Reserved Matters are defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as the following:

Access – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.

Appearance – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

Scale – the height, width and length of each building proposed within the development in relation to its surroundings

Landscaping' – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;

Layout – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

- 3.6 Consequently, this Reserved Matters application provides details of the access, appearance, scale, landscaping and layout of Phase 1 only, for the construction of the access road and the formation of plateaued, remediated and serviced development plots.

Access

- 3.7 Access to the development to be constructed as part of Phase 1 would be taken from Cliff Hollins Lane. It would be built in accordance with the scheme submitted and considered at outline planning stage. This would comprise an amendment to the priority of Cliff Hollins Lane at the site access so that the development traffic has right of way. The continuation of Cliff Hollins Lane towards East Bierley would then give way at a T-junction.
- 3.8 A spine access road would be constructed to serve the development. This would run almost centrally through the site allowing for development plots on each side before joining the south-western boundary of the site and continuing to the eastern perimeter.

Appearance and Scale

- 3.9 With regard to appearance and scale, no buildings are proposed within Phase 1. The first buildings will come forward as part of Phase 2. Accordingly, no details are required for this Phase 1 Reserved Matters submission and no further assessment on these two aspects is necessary.

Landscaping

- 3.10 The submitted landscape scheme principally indicates the following:

Landscaping along the northern edge of the existing access road to include the planting of new trees (including lime and silver birch).

Just beyond this, where the new spine road would be constructed, a group of trees clustered around 2 water attenuation basins (willow, birch, and black alder) as well as some native shrubs. In terms of the layout of Phase 1, this relates principally to the creation of development the plots. This will involve the re-profiling of the land to create three primary development zones.

- 3.11 In addition, the proposal includes the formation of development plateaus. This would involve cut and fill across part of the site, as summarised below:

- On a broadly north-south section across the site, the ground level would effectively remain the same along the access road. As the access road extends south-westward, ground levels between the access road and Unit 1 would be raised by between approximately 720mm-825mm;
- Where the development plateau for the building at Unit 1 is to be created, the ground would be raised by between 1500mm and 1900mm;
- At the northern edge of Unit 2, the ground level would be broadly unchanged. However, to create the development plateau where the building is to be sited, the ground would be raised by between 1300mm towards the northern end of the site of Unit 2 increasing to 2900mm towards the southern end;
- Site levels would then be relatively unchanged toward the southern edge of the boundary;
- The east-west cross-sections show how the development plateaus would be cut into the site in that direction. For Unit 1, the development plateau would be cut into the ground (i.e. existing level lowered) by between 996mm and 4000mm;
- For Unit 2, the cut into the existing ground level would be between 375mm and 3370mm.

Layout

- 3.12 No buildings are proposed within Phase 1. With regard to routes and open spaces, as noted above, the access road run almost centrally through the site allowing for development plots on each side. Three development areas are indicated; one to the west of the access road and two to the east.

Discharge of conditions

- 3.13 Approval is also sought to discharge six conditions pursuant to the outline planning permission. These conditions are mainly worded in such a way that they require the detailed plans and particulars of the Reserved Matters to include these details. The requirements of these conditions are set out below:

- 3.14 Condition 6 (Biodiversity Enhancement Management Plan)

Detailed plans and particulars of the Reserved Matters for the first phase of development shall include a Biodiversity Enhancement and Management Plan (BEMP) for the entire site. The content of the BEMP shall include the following:

- a) Description and evaluation of the features to be managed.*
- b) Ecological trends and constraints on site that might influence management.*
- c) Aims and objectives of management.*
- d) Appropriate management options for achieving aims and objectives.*
- e) Prescriptions for management actions.*
- f) Details of initial aftercare and long-term maintenance;*
- g) Details of the body/ organisation responsible for implementation of the plan.*
- h) Details for on-going monitoring and remedial measures.*

The approved plan and particulars shall be implemented in accordance with the approved details and timescales pre, during and post construction.

Reason: In the interests of the biodiversity of the area and to accord with Policy EP11 of the Kirklees Unitary Development Plan, PLP30 of the Publication Draft Local Plan and guidance within chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition in order to ensure that adequate mitigation and enhancement measures are incorporated into the development at the appropriate stage of the development.

- 3.15 To discharge Condition 6 pursuant to Phase 1, the applicant has submitted a BEMP prepared by Brooks Ecological dated 25th June 2020. It addresses biodiversity enhancement across the entire site with particular management prescriptions for areas of retained natural habitat and new features to support biodiversity created through the development. In broad terms, it identifies specific aims for a management plan, to include maintaining an open and diverse range of grassland, wildflower, scrub and woodland vegetation, enhancing the ecological function and habitat quality of the Hunsworth Beck corridor, eradicating where possible non-native invasive plants and encouraging the use of the site by target groups such as pollinating insects, birds and riparian mammals. Specific objectives include native hedgerow management, planted tree shelter belts, new wildflower grassland and specific features for bats, birds, hedgehogs and otters.

3.16 Condition 17 (Site investigations)

Detailed plans and particulars of the reserved matter (layout & landscape) for each phase pursuant to conditions nos. 1, 2 and 5 above shall include:

- a) A report of the findings following intrusive site investigations carried out in relation to condition no. 16,*
- b) The results of any gas monitoring undertaken,*
- c) A layout plan which identifies appropriate zones of influence for the recorded mine entries on site and the definition of suitable 'no build' zones,*
- d) A scheme of treatment for the recorded mine entries for approval;*
- e) A scheme of remedial works for the shallow coal workings for approval,*
- f) Details and how d) and e) above are to be undertaken, and*
- g) Written verification that the remediation works shall be carried out in accordance with the approved details.*

Thereafter the development of each phase shall be carried out in accordance with the approved details. Prior to the first use of each phase of the approved development, written confirmation shall be submitted to the Local Planning Authority, verifying the works have been fully completed in accordance with the approved details.

Reason: In the interest of health and safety. This is a pre commencement condition to ensure any pollution/risk identified is dealt with appropriately, to ensure the users of the new development are protected from being put at unacceptable risk and to accord with Policies D2 and G6 of the Kirklees Unitary Development Plan, PLP52 and 53 of the publication Draft Local Plan as well as guidance in the National Planning Policy Framework.

- 3.17 The application includes the submission of a Phase II Geo-environmental Assessment prepared by Wardell Armstrong (November 2017) and additional ground investigation reports. A Phase II Site Investigation report by Curtins dated 3rd December 2019 has also been provided. An assessment of the findings is summarised in the relevant section below.

3.18 Condition 18 (Tree Survey)

Detailed plans and particulars of the reserved matters (layout & landscape) for the first phase pursuant to conditions nos. 1, 2 and 5 above shall include a tree survey and Arboricultural method statement for the entire site in accordance with BS5837.

Reason: In the interests of visual amenity and to prevent direct or indirect harm to the adjacent ancient woodland (Hanging Wood) and any trees to be retained on site, in accordance with Policy NE9 of the Kirklees Unitary Development Plan, Policy PLP33 of the Publication Draft Local Plan and guidance within the National Planning Policy Framework.

- 3.19 An Arboricultural Impact Assessment and Arboricultural Method Statement prepared by Brooks Ecological has been submitted to discharge Condition 18. This details the impact of the development on the proposed trees with the following identified for removal as part of Phase 1: T6 (Goat Willow low quality); T7 (Hawthorn moderate quality); T8 (Hawthorn moderate quality); T9 (Hawthorn moderate quality); T10 (White poplar low quality); T11 (Hawthorn low quality) plus one tree for the Mill Carr Hill/Bradford Road works T15 (Cherry moderate quality). Tree group G9 would also require removal. There is however, the opportunity within the scheme to plant new trees to off-set the loss, which is detailed in the landscape scheme. The Assessment also confirms that seven trees, five whole tree groups (and groups with sections

removed) and the hedgerow would be retained for the Phase 1 development. These would be protected with security fencing. It also confirms that Hanging Wood, adjacent to the east side of the Site, which is protected by a Tree Preservation Order (ref: SP1/51/W2), would be protected by the retention of the existing boundary and site fencing to the edge of this wood.

3.20 Condition 19 (Public Rights Of Way (PROW))

Detailed plans and particulars of the reserved matters (layout & landscape) for the first phase pursuant to conditions nos. 1, 2 and 5 shall include details for the treatment and enhancement of existing public right of way no. SPE/21/20, crossing the site. No part of the development shall be brought into use until the approved works comprising the approved scheme have been completed.

Reason: For the convenience of all those using the public right of way and to accord with Policy R13 of the Kirklees Unitary Development Plan, Policies PLP23 and 31 of the Publication Draft Local Plan and guidance within the National Planning Policy Framework.

- 3.21 The PROW follows the route of the existing entrance road to the former waste water works. Towards the end of the road, it enters the field to the left of the site towards Hanging Wood. In order to discharge Condition 19, the applicant has submitted a PROW plan, which indicates the position of the PROW in relation to the access road, and also, an improvement strategy. These were amended in the course of the application to reflect discussions with the Council's PROW Officer. As submitted, it now proposes that the PROW follow the new site entrance road with tree planting adjacent to the fields on the north. A gate (with a sign) would provide access into the field off the road as an access route to land retained by Yorkshire Water. The grass footpath across the field would be retained whilst the footbridge across Hunsworth Beck would be cleared of vegetation obstructions. Scrub diversification is proposed where the footpath crosses site land after the bridge and this route would be re-surfaced to define the path. New post and wire fencing would be sited along the edge of the site adjacent to the Beck with a new kissing gate installed to give access to the Hanging Wood field. The gates would require separate approval from the PROW section.

3.22 Condition 29 (Noise attenuation)

Detailed plans and particulars for each phase of the reserved matters (layout & landscape) pursuant to condition nos. 1, 2 and 5 above, shall demonstrate how proposals for that phase will achieve a level of 5dB attenuation measures through the provision of screening and land features as predicted in Table 21 of the Noise & Vibration Report by AECOM, dated December 2017. Thereafter the development of each phase shall be completed in accordance with the approved details, before occupation of any building within each phase.

Reason: In the interest of residential amenity of nearby residents and to accord with Policies EP4 of the Kirklees Unitary Development Plan, PLP52 of the Publication Draft Local Plan and guidance within the National Planning Policy Framework

3.23 Condition 29 refers specifically to Table 21 of the Noise and Vibration Report submitted as part of the outline planning application. This table refers to a noise level basement from the nearest noise sensitive receptors (residential properties on Bradford Road and Cliff Hollins Lane) based upon the use of a vehicle reversing within the Employment Zone. It relates specifically to noise from operational site activities (comprising HGV Movements and reversing alarms) rather than noise associated with the construction phase. Consequently, whilst it requires details for each phase, given the nature of Phase 1 as a construction phase, it is not considered to be directly applicable and it does not require the submission of specific information for its discharge. The construction process is, in any event, controlled by Condition 8 (demolition and enabling works), considered as part of 2020/92342.

3.24 Condition 31 (Low emissions/Electric vehicle charging points)

Detailed Plans and particulars of the Reserved Matters (layout and landscape) for each phase pursuant to condition nos. 1, 2 and 5 shall include:

- *On site, low emission mitigation strategies, and*
- *Details of electric charging points which shall be installed on the basis of 1 charging point per 10 spaces.*

Thereafter, each phase of the development shall be completed in accordance with the approved details/mitigation strategies, before occupation/use of any building on site within that phase.

Reason: To offset and mitigate the impact from the development, equivalent to the identified damage costs and to accord with the guidance contained in Chapter 9 and Chapter 15 of the National Planning Policy Framework, the West Yorkshire Low Emissions Strategy and Policies PLP 24 and PLP21 of the Kirklees Publication Draft Local Plan.

3.25 Whilst Condition 31 require details of low emission mitigation strategies and details of electric vehicle charging points for each phase, it is considered that this is pertinent to the operational phase associated with the construction of the commercial and industrial units approved in principle at outline stage. It is not applicable to Phase 1, which effectively forms part of the construction phase. There is neither a demand nor a requirement for electric vehicle charging points during a construction phase nor can low emission strategies be implemented given the short-term nature of Phase 1. For these reasons, the applicant has not submitted any specific details and none are deemed necessary for Phase 1.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 The most relevant planning history for this site is detailed below:

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).

Approved: 25th October 2018 subject to conditions and a S106 Legal Agreement.

2019/93679 Discharge of condition 16 (site investigation) of previous outline permission ref: 2016/92298.

Approved: 19th December 2019

2019/93727: Discharge of condition 7 (Construction Ecology Management Plan) of previous outline permission ref: 2016/92298.

Approved: 19th December 2019

2020/91436: Non material amendment to previous permission 2016/92298 for 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).

Approved: 22nd May 2020

2020/91468: Discharge of Condition 5 (Phasing Plan), Condition 11 (Sewer Overflow), Condition 13 (Foul Water Drainage), Condition 14 (Discharge of Surface Water), Condition 23 (Flood Risk) and Condition 24 (Disposal of Surface Water) on previous permission 2016/92298 (Phase 1).

Pending Consideration

2020/92342: Discharge of Condition 8 (Construction Environment Management Plan (demolition and enabling works) (Phase 1) of previous permission 2016/92298.

Pending Consideration

2020/92345 Discharge of Condition 26 (surface water) (Phase 1) of previous permission 2016/92298.

Pending Consideration

2020/91889 Discharge of Condition 20 (Highway Works) on previous permission 2016/92298.

Pending Consideration

2020/91807: Reserved matters application pursuant to outline permission no. 2016/92298 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) (Phase 2).

Pending Consideration

2020/91398 Discharge condition 16 (Phase 2) on previous permission 2016/92298 for 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).

Pending Consideration

2020/91808 Discharge conditions 16 and 25 on previous permission 2016/92298 for 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) (Phase 2).

Pending Consideration

Enforcement

- 4.2 A Temporary Stop Notice (TSN) was served on the site on 10th July 2020. It was issued as a result of construction works having commenced without the relevant pre-commencement conditions having been discharged. The works that had started were principally deemed to have caused harm to residential amenity as a consequence of the stockpiling of material on the boundary of the site near to residential properties. The TSN required the applicant to

cease all construction works pursuant to 2016/92298, including demolition, excavation & engineering works. It took effect on 10 July 2020 and ceased to have effect on 7 August 2020.

- 4.2 It should be noted that the applicant complied with the terms of the TSN and has been working closely with the Council to resolve the outstanding matters. As a result, the Council were subsequently satisfied that sufficient information had been provided within the relevant discharge of condition applications to enable the demolition phase to continue on site without prejudicing the Council's consideration of this Reserved Matters application or the discharge of condition applications. Demolition works recommenced on site in late August.

Applications within the remit of City of Bradford Metropolitan District Council

- 4.3 The original outline planning application was submitted as a cross-boundary application because its red line boundary included a parcel of land within Bradford MDC to be used as a 36 space car park for Woodlands C of E Primary School. This application was considered by Bradford in accordance with planning reference 16/06146/MAO and approved on 20 July 2018. At the time of writing this report, the following related applications are pending consideration by Bradford Council:

2020/01010/MAR: Reserved matters application requesting consideration of access, appearance, landscaping, layout and scale of school car park (pursuant to outline approval (16/06146/MAO).
Pending consideration at 17th September Committee.

16/06146/SUB01: Submission of details required by Conditions 3 (Plans), 4 (Sewer Protection), 5, 7, 8 (Surface Water Drainage), 9 (Downlighting), 11 (Barriers/Gates) and 12 (Electric Vehicle Charging Points) of permission 16/06146/MAO
Pending consideration.

- 4.4 The car park does not fall within the red line of this Reserved Matters application and it is not a cross-boundary application. However, it is relevant to note that the provision of the car park followed public consultation on the original outline permission. It was a direct result of local concerns about conflicts between school children and employment traffic during school pick-up and drop-off times. It was considered necessary to provide the safest method of ensuring that the development did not affect road safety in the vicinity of the site. As noted above, the Reserved Matters application is pending.

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

- 5.1 In the course of the planning application, the applicant has been asked to provide a range of additional information. This has principally been sought in response to the statutory consultation process and the replies from relevant Council departments, including highways, PROW, environmental health, landscape and ecology. The details are set out in the report below.

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019) (KLP).

Kirklees Local Plan (2019):

- 6.2 The following policies are most relevant to the consideration of this application:

Policy LP1 Presumption in favour of sustainable development
Policy LP21 Highways and Access
Policy LP24 Design
Policy LP28 Drainage
Policy LP30 Biodiversity and Geodiversity
Policy LP32 Landscape
Policy LP33 Trees
Policy LP52 Protection and improvement of environmental quality
Policy LP53 Contaminated and unstable land

Supplementary Planning Guidance / Documents:

- 6.3 The most relevant SPG/SPD document is the following:

Highways Design Guide SPD (2019)

National Planning Guidance:

- 6.4 The following sections of the National Planning Policy Framework (NPPF) are most relevant to the consideration of this application:

Chapter 7: Requiring good design
Chapter 9: Promoting sustainable transport
Chapter 11: Conserving and enhancing the natural environment

Climate change

- 6.5 On 12/11/2019 the Council adopted a target for achieving “net zero” carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised by means of a site notice and a press notice in the Dewsbury Reporter (11 June 2020) as a major application that also affects a Public Right of Way. It was also advertised by means of direct neighbour notification letters.

7.2 The Council has received 91 letters of representation to the application, principally objecting to the development. This includes a letter submitted on behalf of the Oakenshaw Residents' Association. The following represents a summary of the main issues raised by the representations in the objectors' words. It is not a complete replication of the responses, which can be viewed on the Council's website.

Highway Issues - General

- The current road infrastructure will be insufficient for the size of this development and that the proposed works are not enough to mitigate this;
- Access should be directly from the motorway junction;
- Before Outline Planning Permission was eventually granted by KC on a casting vote, many mitigating measures were put forward in order to enhance the access route into the site. It was therefore assumed by many at the Outline Stage that these mitigating measures would be put in place before the development started, let alone before any construction traffic started rolling into the site. We now have a situation where no conditions have been placed on the off-site highway works until at least half of the site is available for occupation. The access roads and junctions are not suitable for the construction traffic and therefore further conditions should be put in place prior to Phase 1 and 2 to assist in protecting the residents, school traffic and other road users;
- The proposed T-junction at Cliff Hollins Lane/Site Entrance has yet to be the subject of a Road Safety Assessment! This should be carried out before any Phase 1 and 2 approval is granted as it could have serious implications further on down the line;
- It is possible to connect this site directly to Cleckheaton road, avoiding Cliff Hollins Lane and the village of Oakenshaw, by constructing a bridge over the M606. It would mean that the residents of Oakenshaw would not be exposed to a significant increase in road danger. If the developer did build a bridge, then the old sewage treatment site entrance could provide a walking and cycling entrance to the site;
- Mitigating measures should be put in place before the construction traffic enters the site given the nature of the access route
- Strongly ask to search for alternative site entrance points to avoid all the unnecessary hassle the proposal currently presents to all but retain the development. What about an entrance point of the M606?

- Over the years residents have already suffered a massive increase in traffic along the main road. The traffic using Bradford Road/Cleckheaton Road, Mill Carr Hill and Cliff Hollins Lane has gone from moderate to extremely heavy;
- Cleckheaton Road is already busier than it was ever designed to be.
- If an industrial estate is to be built on this site, an alternative infrastructure of suitable roads (wide enough for both lorries and cars alike), needs to be in place away from the village and its school;
- Little concern has been given to the addition of extra vehicles up and down the already overused single track "rat runs" of Wyke Lane, Cliff Hollins Lane and Mill Car Hill Road. These would be used by persons accessing the proposed entrance rather than the already over congested Cleckheaton Road at peak times;
- A638 Bradford/Cleckheaton Road is already well over-used with traffic, including heavy goods vehicles, due to the industrial estate higher up on Dealburn Road already established by Bradford Council on their side of the border;
- The proposed access roads to the development site are wholly inadequate for the anticipated volume and size of vehicles both during construction and post completion;
- The development would cause an increase in traffic, many of the vehicles being vans/lorries and HGVs accessing the industrial park, and it is anticipated that much of this traffic would be seen during school hours;
- Sat Navs often bring articulated vehicles off Bradford Road and onto Mill Carr Hill Road as a cut through to the Euroway Industrial estate. The current no HGV signs are ignored and the community regularly see articulated vehicles making the turn into Cliff Hollins Lane, then reversing back onto Mill Carr Hill Road to turn around. By changing the right of way at the Mill Carr Hill Road/Cliff Hollins Lane junction, such vehicles would be 'encouraged' to turn into Cliff Hollins Lane (following the road around per new layout) then realising their error, would still reverse back into Mill Carr Hill Road towards school in order to turn around;
- The development will cause a massive increase in current traffic numbers and this will impact the local community significantly through road safety and pollution;
- There are already queues at Chain Bar. This proposal will have little or no impact on the delays experienced at this junction currently, and this is not taking into account the extra vehicles which will be using this junction on leaving the development;
- The only access to this site from the M606 will be a mini roundabout right next to a primary school;

- The planned development is intrusive of the community, including isolating a small number of houses and heavily increasing the amount of traffic;
- The traffic levels along Bradford Road are already over capacity for the road;
- The proposed access route approved at the outline planning stage was a travesty of justice for the Oakenshaw community. There was no thought in it, apart from the financial benefit;
- The whole proposal is avoidable because they could build an access road via the M606;
- Consideration should be given to using traffic lights at the main junction for instance, at Mill Car Hill Road joining Bradford Road or traffic lights either end of Bradford Road;
- Bradford Road is already as busy as the M606 due to numerous heavy goods vehicles travelling to and from Low moor industrial estate and the chemical works, which are approx. 1 mile further along Bradford Road;
- There are already high volumes of commercial traffic through a Class C road through Oakenshaw, which virtually becomes gridlocked if the M606 is closed or itself is gridlocked;
- The proposed access is not realistically possible as the turning circle for long articulated vehicles would be too tight and result in traffic snarling up;
- A resident notes that they raised objections to this application back in 2016 on the grounds of safety and the impact on Oakenshaw, particularly in relation to inappropriate access to the site creating significant risk to local residents and school children. In their view, there has been no substantial change to mitigate these risks;
- Whilst the objector acknowledges that a brownfield site near the motorway is, in many ways, ideal for this sort of development, the access requirements for a sewage works are completely different to the access requirements for the proposed development. The sole current access point is from Cliff Hollins Lane. To the East Cliff Hollins lane is a minor country lane that already carries far more traffic than it should. To the west, Cliff Hollins Lane provides a route to M62; unfortunately this route includes a primary school and a church;
- Under what logic would the Council permit the development of a completely car dependent development that makes it more dangerous (and less appealing) for children to walk to school?

- If a bridge over the M606 cannot be provided, a kerb segregated cycle track running through the development site, past the primary school and along Cleckheaton road through Oakenshaw to the railway station. Otherwise the Council are committing children (and adults) to cycle on roads used by HGV's, which is unsafe;
- The proposed land for the car park is a flooding area, this regularly floods so is not suitable for a car park;
- The infrastructure of the village is not prepared for a surge in increased traffic. The junction at chain bar roundabout currently experiences periods of long delay at several times of the day. The junction onto Mill Carr Hill also has a continuous flow of traffic waiting to turn onto Cleckheaton Road. This road is not wide enough to create a safe and sufficient junction with two lanes;
- Given the increased traffic on Bradford Road, this will without doubt lead to increased road safety issues. There have historically been accidents along Bradford Road, particularly near the junction with Wyke Lane. This is predominantly due to the volume of traffic coming from all four junctions (both directions on Bradford Road, Wyke Lane and Mill Carr Hill Road);
- One resident cited that they were not against the development itself but an alternate access point needs to be found;
- Some residents have experienced over 1 hour waits to get onto Chain Bar first thing in a morning (between 7am and 9am);
- To create 500 jobs and expect all employees to get to work using Chain Bar roundabout with no traffic lights on an already exhausted junction is an accident waiting to happen;
- There are no traffic lights on Bradford Road to access Chain Bar, this is a total nightmare especially at peak times, which will get worse with this development;
- All of these industrial sites have problems with parking, where HGV's park in private roads when not allowed on site;
- There is only one entry and egress point to the site itself which surprises me, given these days of Health and Safety; who is to say that an accident may occur at the entry point, as so often happens. Additionally with the point being adversely cambered. Such an event may leave the site unprotected and query if West Yorkshire Fire and Rescue Service have approved this?
- Leaving the site in an emergency some vehicles will be able to exit via Cliff Hollins Lane but any vehicles over 7.5t will be unable to do so as the road is quite unsuitable for HGVs and has a limit of 7.5t too.

Mill Carr Hill Road/Cliff Hollins Lane/Bradford Road specific issues

- The Bradford Road/Mill Carr Hill Road is already operating at capacity without the additional site traffic;
- Mill Carr Hill Road and Cliff Hollins Road are country lanes and nearby junctions are often extremely busy as it is;
- The junction between Mill Carr Hill and Cliff Hollins Road is far too narrow to accommodate the type of traffic envisaged serving new warehousing;
- Mill Carr Hill and Cliff Hollins Lane are regularly used by motorists trying to avoid the long heavy traffic queuing at Chain Bar roundabout, to access the M606 or the M62 to Leeds. From about 7am in the morning, all three roads and their junctions within Oakenshaw are an absolute nightmare;
- Cliff Hollins Lane cannot take the volume of traffic currently and this industrial estate will exacerbate this and cause major issue;
- The proposal for a roundabout on Mill Carr Hill (where the Cliff Hollins Lane junction is now) meters away from the schools entrance is a bad idea. There seems to be little thought and regard into the safety of the children, parents and staff attending the school or visiting the woodlands park;
- The impact of this proposal on Cliff Hollins Lane from the bridge upwards is not clearly visible in any of the documents submitted for this application;
- Traffic coming down Cliff Hollins Lane from East Bierley will come to a T junction and will need to stop to allow vehicles to enter/exit the site as they will have right of way. This will mean that traffic will have to queue on a single file bridge at Cringles, yards from the site entrance, the traffic then backing up past the 3 houses where the road is narrow, on a hill with a blind bend;
- The road is narrow through Cringles. Two cars are unable to pass without one stopping to allow the other to pass through;
- There is a significant increase in traffic on Cliff Hollins Lane at in peak times or at times when there are incidents on the M62 or M606, as the lane is used as a rat run. The change in right of way will cause significant traffic issues and gridlock for those using the road in the Cringles area during these times;
- The proposal does not consider the increase in traffic anticipated from the development – not all traffic will enter/exit heading towards Mill Carr Hill Road;
- The hill is treacherous during winter months, particularly around the junction of Mill Carr Hill Road and Cliff Hollins Lane (where the new road layout is proposed), but also where Cliff Hollins Lane falls down towards where the access to the development would be as these roads are very exposed at these points;

- Road layout just before Woodlands School (Mill Carr Hill road sweeping directly onto Cliff Hollins Lane) is a sharp right turn at the bottom of a hill. To create a right of way with such a sharp turn without the need to stop at this point in the road, next to a school playground, must be questioned and considered a dangerous proposal;
- The Mill Carr Hill Road and Bradford Road junction is already very busy and dangerous without any additional traffic being added;
- Cliff Hollins Lane is not suitable for larger vehicles and it is already used as a cut through;
- Additional HGVs travelling along Mill Carr Hill will undermine the construction and foundations of the motorway bridge, given the extra traffic that will over time ensue. This is an issue for Highways England;
- There have also been numerous serious accidents on these small narrow roads including lorries crashing and demolishing walls, vehicles overturning on the small bends, lorries becoming trapped because the roads are not wide enough for them to pass safely;
- Mill Carr Hill Lane and then Cliff Hollins Lane are already wearing away due to heavy use of HGV wagons and are constantly needing to be patched up due to dangerous potholes appearing;
- The development will add to the traffic on Bradford Road, which already feels like a motorway;
- The traffic will pass people's homes, a nursery and church of St Andrew's, bus stops, Pelican crossing and school at Woodlands. With parents taking the children via the pavement (walking), young mothers with their prams and infants to the nursery, older people walking to the bus;
- There have been many accidents at the Mill Carr Hill Road junction;
- The junction of Mill Carr Hill Lane with Cleckheaton Road on a bend is a recipe for disaster. Wyke Lane is already a rat run from Whitehall Road to avoid Chain Bar so additional traffic to this site by workers will inevitably increase this traffic flow;
- The entry and exit from Mill Carr Hill Road onto Bradford Road at the junction is at capacity already and a further study is required to address this point. Waiting traffic exiting and entering Mill Carr Hill from Bradford Road will not have sufficient width to allow for running traffic. Additionally there is a clear adverse camber at the point of turning and has this been mitigated for?
- The road has height and weight restrictions and not designed to be used by HGVs;
- Mill Carr Hill has a low tonnage capacity so it could not be used as an exit route should there be an accident at the bottom;

- Even though the village has 20mph speed humps, which only residents take notice of, it defeats the object of trying to have a safe rural village to live in when there is going to be a large increase in cars/HGV's driving through the village;
- Accidents on Mill Carr Hill Road are regular, although they may not be reported. The footpath in most places is totally unsuitable for walking traffic and 2 vehicles are often not able to pass or have to pull in or go onto pavement;
- Cliff Hollins Lane has many of the problems as stated for Mill Carr Hill Road. Both of these roads already have too much traffic, but the development will mean increased traffic, including HGV's as they will not adhere to signs etc. showing unsuitability. In Bierley there is a development just at the top of Mill Carr Hill Road, off Boy Lane for 160 houses, plus there is a Crematorium to be built - all of this means increased traffic on unsuitable roads;
- Tuning right from Bradford Road into Mill Carr Hill Road is difficult. There is not enough room for a car to wait in order to turn right when a HGV's is coming towards you travelling towards Chain Bar, traffic builds up behind as they cannot pass and with the increased numbers expected this will only get worse.

Pedestrian safety

- There is no pavement as the road bends up past Cringles where it is expected that the queueing traffic would be, and the pavement near to the bridge is very narrow. There is no pavement at all on the bridge;
- With no pavement on Cliff Hollins Lane, it is a death trap. Unless the development is going to widen the bridge put in a footpath, speed bumps and reduce the speed limit to 20 miles an hour with camera, it should be halted;
- There are pedestrians of all ages in the local community who use Mill Carr Hill Road, Cliff Hollins Lane and Bradford Road to walk their dogs, take their daily exercise or get to the bus shelters. More traffic is only going to raise more concern for pedestrian safety issues, putting at risk the lives of members of the community.

Impact on Woodlands School

- Risks posed, both in terms of traffic and air quality, to the nearby Woodlands School;
- Mill Carr Hill Road is the children's principal walking route to Woodlands Primary School. These plans present an obvious hazard to those making their way to school;
- The amount of traffic that will now be directed to the area right outside the school would create a risk that will affect the lives of the children;

- There is a pre-school at St. Andrews Church Bradford Road, Oakenshaw and also Woodlands first school, both of which will be affected by the pollution of extra vehicles using Bradford Road;
- Woodlands School is already in a vulnerable position in terms of air pollution and this would increase the hazard;
- During school drop off and pickups there are cars parked legally on the roads near the school but with commercial traffic this could potentially be extremely dangerous especially with children going to and from a primary school;
- There is a school on Station Lane, Birkenshaw and the lorries from TLC and the Speedy bake are not allowed to come down this road during school times;
- There is a concern about the car park for the school. A resident saw a stork in the proposed area where the marsh is. (NB The car park is within Bradford's District and not within the remit of Kirklees or within the scope of this application);
- The area where the proposed car park and the land at the side of the works floods during heavy rain this will lead to problems both for the school and access to the site. (NB As above, the car park is within Bradford's District and not within the remit of Kirklees or within the scope of this application);
- Woodlands Primary School is directly opposite the site. Many families in Oakenshaw and Woodlands have children who attend this school, with either parents or carers walking their children to school or dropping them off. There is obvious concern for the safety of the community in being able to safely drop off and pick up children from the school, not forgetting members of staff at the school being able to safely get to work;
- The location of the school is completely ignored in this proposal;
- Mill Carr Hill Road is the children's principal walking route to Woodlands Primary School, has always been and we hope it will continue to be so but this presents an obvious hazard to small children who cannot always be relied upon to follow road safety. Has a full safety audit been performed here, taking into account the views of the School?

Flooding

- Surface water running away from the development towards the Hunsworth beck may cause back flooding towards the bridge at Cringles. The developer has previously failed to acknowledge the major issue experienced by the houses at Cringles in periods of prolonged rainfall or when flash floods occur;
- The amount of water draining from the development will cause further downstream issues with increased flooding.

Public Right of Way

- Many people come to use the public footpath through to Hanging Wood by car. They park their cars on the road or on the grass verge where the proposed entrance to the development is situated. It would appear that the developer has included plans to maintain the footpath, but yet has not made any provision for parking for those wishing to travel to it by car. Visitors to Cringles often park here too and no provision has been made;
- The public footpath along the access road leads to the woods beyond, which is the only beauty spot within the Kirklees/Oakenshaw boundary. The developer's plans make no mention of provision for this public footpath to the beauty spot there is concern that residents will lose this facility.

Other road users

- The increase in traffic as a result of the proposed development will increase road safety issues for all other road users, including cyclists and horse riders given the number of liveries and riding schools in the area. It could discourage them from using the area, so impacting the local businesses and wellbeing of the community;
- There are 2 livery yards a few hundred metres from the school housing a large number of horses. Equestrians ride daily up and down both Mill Carr Hill and Cliff Hollins lane, already running the gauntlet of traffic, risking their safety and that of their horses.

Noise, Air Quality and Pollution

- More and more trucks from the industrial estates are using Cleckheaton Road at all hours of the day and night. The current air and noise pollution in the village is undeniably worse than it has ever been;
- The massive increase in vehicles in the area because of the development will elevate the air pollution and noise levels, air pollution levels already being at upper limits;
- Noise and light pollution from the proposed industrial units;
- The group of houses at Cringles is within a dip, which creates a natural amphitheatre. The sensors that were used for the noise assessment submitted previously did not take account of the dip;
- This development will exacerbate local air pollution and are in conflict with the objectives of the West Yorkshire Low Emission Strategy;
- There will be a significant number of HGVs that will use the site. HGVs are heavy emitters of air pollution and for future decades will be diesel powered. As a result this will significantly increase the air pollution in the local area;

- Restrictions on the times that HGVs can access the site should be considered - both during construction and when the development is finally in use (no night work) and some sort of baffles - trees, grass banks - to provide some reduction in noise levels when the site is in use;
- Has all hazardous waste been disposed of correctly?
- The extra noise day and night is a concern to all residents in the area;
- The effect on the environment in the area and the adjacent watercourse will be heavily effected have updated surveys been down as a comparison since the enabling works have started.
- Air pollution has already been recorded above the legal limit of 40µg/m³ at ST Andrews church, Greenpeace recently carried out research and it recorded a high reading of 40,88 µg/m³, At these levels they are already failing all government safety guidelines. An increase in traffic will also increase the dangerous air pollutants that the children will be breathing when they walk to school. Have air quality surveys been completed?
- What investigations have been carried out to address the ground contamination? The site is a former sewage works, Sewage cake was taken from the presses by rail to the lagoons/drying beds where the contaminants were stored. The grounds were also used for the storage of sewage, grit and detritus. Various chemicals were used in certain processes;
- Noise and light pollution, present all day and night when in use;
- Concerns about overnight lighting;
- Noise during construction. During the recent works on site, the resident lives approximately 0.5 miles from the site and could hear the heavy machinery;
- Ongoing concerns over the possible contamination of the site, from both the past and present. The Contamination Report only dealt with information relating to the land and there is no documentation relating to the buildings, filter-beds or their contents;
- There is no Waste Disposal or Waste Recovery Plan available for public scrutiny.

Green Belt

(Members are advised to note that whilst some representations refer to the site's location within the Green Belt, it is not, as explained in the report below).

- The site is partially Green Belt and should be protected;

- To give up so much Green Belt is shocking. Surely this development does not meet the criteria for use of Green Belt land?
- Have the laws regarding Green Belt been followed to the letter?

Living Conditions

- The building of the industrial estate is in direct view of an objector's home and in their view, it will affect the attractiveness and selling price of our house;
- All new developments should be camouflaged and out of site, with hills of tall trees (fruits and evergreens), a lake and nature trails;
- The buildings should blend into the landscape and not be seen by the naked eye, with a natural living roof on it;
- The Council has a "Duty of Care" for the residents of Oakenshaw within the boundaries of Kirklees council, the "Heath & Wellbeing" of the people must be at the top of the list;
- What will the building or development look like - initial drawings show what can only be described as a super-warehouse making a massive impact on the area of green fields and woodland?

Ecology

- The area of Hanging Woods, which is a Site of Wildlife Significance (to the east of the site) provides habitat for many animals which have thrived as the site has been disused (up until recently), therefore providing an undisturbed environment for them to breed and live in. This will be impacted upon by the proposal;
- This area is rich in wildlife which should not be allowed to be driven away by profit-seeking businesses who should be made to fill the alternative sites that are available first, before building more unnecessary warehousing;
- Detrimental effects on the wildlife and plant health in the adjacent woodland;
- The government has committed to planting millions of new trees to slow down climate change and have a positive impact on the environment. Planting hundreds of trees on that land would be better than the current plans;
- The area earmarked for the car park is rich in wildlife, with bats, rabbits, water birds, woodpeckers and a heron (NM this is within Bradford District)

Employment

- Employment benefits are noted but the potential for new 'jobs' in our area may not be as 'rosy' as originally expected. It is anticipated that the employment figures will therefore only be moving from one area to another;

- It is unnecessary given the large number of unused units in the surrounding areas;
- Oakenshaw is already surrounded by industrial estates and to add another will surround the village on 3 sides;
- No development should be allowed without guarantees of long term jobs or apprenticeship for the local people;
- Oakenshaw village is surrounded by industrial units as well as 2 large chemical companies in the vicinity;
- There are already a lot of empty units in the close vicinity on the Euroway with direct access from the M606;
- The village is already surrounded with Spring Ram, Solenis and Nufarm, not to mention the M606;
- The village is not known to have an unemployment problem, therefore any “employment opportunities” will not be for us, but for other people being brought into the area, further adding to the traffic problems.

Procedural

- Plans and informing the residents who will be affected by the build should be on a notice board in large print as many still do not have access to a computer;
- Mounds of earth were noted and it is queried whether the planning has been finalised;
- The previous concerns and fears the residents of Oakenshaw and Lower Woodlands have voiced have had no effect to the decision Kirklees council has made;
- As a long term resident of the village, the resident feels that because the site is on the border of Kirklees/Bradford, this is the reason that this proposal is being agreed, but at a detriment to residents of Lower Woodlands and Oakenshaw;
- Bradford Council voted against the (outline) proposal and many of the people who will be negatively impacted by this development live within the Bradford district (N.B Bradford Council did not object to the outline planning application in principle as confirmed in their letter dated 3rd August 2016);
- Previous concerns and fears the residents of Oakenshaw and Woodlands have voiced have had little effect to the decision Kirklees Council has made;

- The community is of the opinion that the car park should be dealt with at Reserve Matters Stage by Bradford Council before this application is considered by KC to ensure that it has the appropriate permissions in place. This will avoid the farcical situation at the Outline Stage where KC forced the hand of Bradford Council in accepting the building of a car park that neither the school nor the Council wanted.
- Why has the development already begun? Surprised that enabling works have started without full permission.

Other

- House prices will decrease as people won't want to buy a house close to a big development and the issues of traffic/noise that comes with it;
- The water works site should be preserved and changed into a country park for the residents to enjoy;
- With any landscaping, the resident would not like any further trees planted outside the back of bungalows because their light is already limited due to the trees lining the M606;
- Additional traffic will have a knock-on effect to the passing trade of the few shops left in the village, which have halved in the last 20 years;
- The proposals are not in the interests of the local community;
- The Phase One development is situated within COMAH Band C. Residents in Oakenshaw remember the major chemical fire at nearby Alloid Colloids (now Solenis) in the early 1990s, which closed the village and most of South Bradford for a considerable time, resulting in new safety measures for the village. There is another chemical plant at the top of Wyke Lane. Nufarm also have incident protocols, action plans and siren alerts too. There is a potential for the high pressure gas main bisecting the site to cause a similar incident;
- The foundations of the Motorway Bridge will require clearance from Highways England to ensure that HGVs travelling along Mill Carr Hill are not undermining the construction of the bridge, given the extra traffic ensuing;
- Concerns raised about how the site was allocated;
- Since the outline planning was approved, there have been substantial changes to the original Planning Statement. It is clear, despite the overwhelming concerns of the Oakenshaw community that they have not been fairly represented.

7.3 Councillor Sarah Ferriby (Wyke Ward Councillor, City of Bradford MDC) has objected on the following grounds:

- Highway safety due to the unsuitable access/egress and associated roads Bradford Road junction, Cliff Hollings Lane, Mill Carr Hill junctions, which are unsuitable for high volumes of HGVs;

- Light goods vehicles and additional cars, which are linked to the reserved matters application in Kirklees, that will lead to a detrimental impact for both residents in the village of Oakenshaw , pedestrians, school children and local road users in and around Woodlands with extended impacts on parts of Low Moor and Wyke and in to Bierley;
- Impacts upon the Woodlands School with an increase in traffic in the area on a road that is already a busy through road;
- The proposed re-engineering of roads, widening corners some of which fall out of this applications remit are a material consideration in her view when looking at accessing the road network in this area in very close proximity to the school and the proposed pick up drop off/ car park which again is detrimental to highways safety creating conflicts between Traffic and pedestrians which are mainly school children and their parents;
- An in-depth Traffic impact survey should be carried out for the wider Bradford area which includes those roads mentioned above, as there are already high numbers of pedestrians and road users traveling through the village in both directions via Cleckheaton /Bradford Road;
- If there is an incident on the motorway. this in turn creates rat running both up Mill Carr Hill and Cliff Hollings but also Wyke Lane and these roads are unsuitable for excessive volumes of traffic and are totally unsuitable for HGV'S and the like;
- An additional access and egress point should be looked in to as in a very short period of time you could and will end up with access to the site being completely inaccessible. Therefore, the Health and Safety issues regarding this site have not been fully addressed.

7.4 A joint letter has also been received from Councillors of Tong Ward (Bradford MDC) – Councillor Alan Wainwright, Councillor Michael Johnson and Councillor Kausar Mukhtar. They object on the grounds of highway safety and raise the following specific issues:

- No mention of a traffic survey within the application;
- No mention of how many vehicles will be driven on site by employees of companies that occupy the site;
- Concern about the narrowness of Mill Carr Hill Road that starts in Bierley and ends in Woodlands (Tong Ward)
- The proposals to widen the road near the Woodlands Primary School so that articulated waggons can turn into and out of Cliff Hollins Lane, where entrance to the site is proposed, are fraught with danger to the young children and Parents/Guardians escorting the children to and from the School;

- An in depth traffic impact survey to ascertain current volumes of traffic on the Bradford South roads should be undertaken, These are Mill Carr Hill Road, Cleckheaton Road and the adjoining roads within the boundaries of Kirklees Council. Cleckheaton Road and Mill Carr Hill Road that join together at the Ward Boundaries of Tong and Wyke in Bradford and Cleckheaton in Kirklees. The proposed volumes of traffic included in the survey report should be considered before any decision is made by the committee.

7.5 An objection has also been received from Judith Cummins MP for Bradford South. Whilst acknowledging that the site is within Kirklees, in her view, the access and egress will be via her constituents of Bradford South and it would have a negative impact on their lives, particularly those living in Lower Woodlands and Oakenshaw. She provides the following additional comments:

- The access roads and junctions are not suitable for a development of this size and the mitigation works proposed are not sufficient to overcome her concerns;
- Cliff Hollins Lane and Mill Carr Hill Road are country lanes and not suitable for carrying HGVs. Mill Carr Hill Road is already marked as unsuitable for large vehicles;
- The entry and exist for the site is planned from Mill Carr Hill Road onto Bradford Road. Turning right from Bradford Road into Mill Carr Hill Road is hazardous and not suitable for HGVs;
- Even though it is not planned for HGV access from different routes, it will happen from time to time and will make these roads more hazardous;
- Concerns about the deterioration of the air quality at Woodlands School. The area already suffers from very poor air quality and having HGVs in close proximity of the school at the start and end of each day will be further detrimental to this problem, as well as posing a serious traffic hazard.

Ward Members

7.6 Ward Members were consulted on the proposal by email dated 5th June 2020. No specific representations to the application have been received.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways: Final technical details of the access road and Road Safety Audit (RSA) are currently being considered following a request for further information from KC Highways. The RSA covers the internal access road and the site entrance. Their final response will be provided in the Committee update report.

Highways England: No objection

Environment Agency: No objection on the basis that EA interests are covered by conditions imposed on the outline planning permission.

8.2 **Non-statutory:**

KC Landscape/Trees: No objections.

KC Environmental Health: No objection subject to conditions (these are already attached to the outline).

KC Crime Prevention: No objections subject to measures being implemented in line with Crime Prevention through Environmental Design (CPTED) guidance.

KC Ecology: No objection.

PROW: Awaiting comments on the final scheme that has been prepared following direct discussions with PROW Officers. PROW Officer comments will be provided in the Committee update report.

9.0 **MAIN ISSUES**

- Principle of development;
- Access;
- Landscaping;
- Scale and Appearance;
- Layout;
- Discharge of the requested conditions;
- Other considerations;
- Response to representations.

10.0 **APPRAISAL**

Principle of development

- 10.1 This application seeks Reserved Matters approval for Phase 1 of the development of the former North Bierley Waste Water Treatment Works in accordance with the outline planning permission 2016/92298. Phase 1 relates to the construction of the access road through the site and the formation of plateaued, remediated and serviced development plots with associated landscaping. Consequently, this application seeks approval for matters of access, appearance, scale, landscaping and layout as it relates to Phase 1.
- 10.2 Within the Kirklees Local Plan (February 2019), the site is part of Employment Allocation ES7: Former North Bierley Waste Water Treatment Works. It is identified for employment use with an indicative capacity of 35,284m².
- 10.3 In approving its allocation for employment use, the Kirklees Local Plan Inspectors' Report, published in January 2019, noted that whilst the land was in Green Belt (at that time), it comprised previously developed land and was contained by woodland and slopes to the east and by the M62/M606 to the west and south so that it had a limited relationship with the wider countryside. The Inspector accepted that there were exceptional circumstances to justify

the removal of the site from the Green Belt. It was also recommended that the site capacity be modified to reflect the outline planning permission, which it subsequently was, as now reflected in Employment Allocation ES7.

- 10.4 The outline planning permission was approved with all matters reserved. However, it clearly established the maximum quantum of development deemed acceptable on this site. The Report to the 8th March 2018 Committee confirmed that the application related to the provision of 35,284m² of B1, B2 and B8 use.
- 10.5 This extent of development formed the basis of the outline application and the foundation for the comprehensive range of supporting documents and the Environmental Impact Assessment that were submitted, assessed and approved as part of that permission. These included:
- a) Transport Assessment (TA);
 - b) Air Quality Assessment;
 - c) Flood Risk Assessment;
 - d) Travel Plan;
 - e) Phase II Geo-Enviro Site Investigation ;
 - f) Noise and Vibration Report;
 - g) Details of Highways Mitigation Work;
 - h) Road Safety Audit (Bradford Road Arm of M62 Junction 26 Roundabout, Mill Carr Hill / Bradford Road Junction mitigation and Mill Carr Hill Road/Cliff Hollins Junction).
- 10.6 The TA submitted and considered at outline stage incorporated an assessment of baseline conditions, including from manual traffic counts and trip generation. Based upon 35,284m² of B1, B2 and B8 uses and a split of 2,648m² of B1 use, 24,478m² of B2 use and 8,159m² of B8 use (the worst case scenario with 75% being B2), it identified that the total number of two-way vehicle trips associated with development proposals was predicted to be 186 during the AM peak and 151 during the PM peak.
- 10.7 In addition, as part of the outline application, the applicant was asked to consider a range of alternative access points to the site. These included an access from the M606 via a new junction onto the Motorway, an access from Bradford Road via a new bridge across the M606 and an access directly to and from the circulatory roundabout at Junction 27 of the M62. These options were discounted by the applicant for a range of technical/viability reasons. Kirklees Council had undertaken a similar review of access options as part of the Local Plan process and reached the same conclusion.
- 10.8 All these options were set out in the Report to the KC Strategic Committee on 8th March 2018 pursuant to the outline application. At that Committee, Members accepted the Officer recommendation to support the means of access via Mill Carr Hill Road & Bradford Road subject to suitable mitigation. These mitigation works were secured as part of the S106 agreement pursuant to the outline planning permission to provide the following off-site highway works approved:
- Junction improvements at Mill Carr Hill Road/Bradford Road junction to include the widening of Mill Car Hill Road to provide a right turn facility at the junction, new pedestrian footways and a pedestrian refuge.

- The realignment of the Car Hill Road/Cliff Hollins Lane junction to give priority to vehicles travelling towards Cliff Hollins Lane and the site, as well as new pedestrian footways and a pedestrian refuge.
- The re-alignment of Cliff Hollins Lane to provide a right of way for traffic entering the site.
- Restrictions preventing 7.5 tonne lorries on Cliff Hollins Lane and Wyke Lane to prevent HGVs accessing the development from unsuitable roads.

10.9 The Section 106 requires these works to be completed prior to first occupation of any building on the site. In addition, a condition was imposed on the outline permission (Condition 20) restricting the amount of development (no more than 17,642m²) that can be constructed on site until specific works are undertaken. These relate specifically to the Bradford Road approach to the M62 J26 (Chain Bar), the improvement scheme to remove M62 westbound to M606 northbound traffic from the M62 Junction 26 Chain Bar roundabout circulatory carriageway (to be implemented by Highways England).

10.10 The outline planning permission has therefore already established the following:

- The principle of employment development on this site within Use Classes B1(c), B2 and B8 to a maximum of 35,284m²;
- An acceptance of the impacts of the development up to 35,284m² with regard to matters such as air quality, noise, traffic impact and ecology. Such matters are further controlled by means of planning conditions on the outline permission and within the S106 agreement.
- The principle of the site access as indicated within this application to include an amendment to the priority of Cliff Hollins Lane at the site access so that the development traffic has right of way.

10.11 Having been considered and determined as part of the outline planning permission, no further assessment of the principle of development or the matters above is appropriate or necessary as part of this application. This Reserved Matters is compliant with the outline permission and the future development will, in any event, be subject to the conditions set out in the outline permission and the S106 legal agreement.

10.12 To summarise, this application is, therefore, a Reserved Matters submission to, in effect, discharge Conditions 1-3 of 2016/92998. The considerations relate to matters of access, appearance, scale, landscaping and layout for Phase 1 only and the discharge of the conditions set out above. This Reserved Matters development is in accordance with Site Allocation ES7 and the outline permission and consequently, it is acceptable in principle.

Access

10.13 Policy LP21 of the Kirklees Local Plan advises that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users. This reflects guidance within the National Planning Policy Framework (the Framework), which states that

Paragraph 108 that in assessing application for development, it should be ensured that there are appropriate opportunities to promote sustainable transport modes, safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network can be viably and appropriately mitigated. Paragraph 109 confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 10.14 Phase 1 relates to the construction of the access road and the formation of plateaued, remediated and serviced development plots only. With the exception of temporary construction traffic, it would not of itself be a generator of traffic onto the highway network in the long term as no buildings are proposed at this stage.
- 10.15 With regard to access for Phase 1, this Reserved Matters submission does not change the intention approved by the outline permission to provide the access via an amendment to the priority of Cliff Hollins Lane at the site entrance so that the development traffic has right of way. This was agreed on the basis of 35,284m² of B1, B2 and B8 uses and it is unchanged by this application. As such, the principle of the access remains acceptable. A footway would be installed onto the southern side of the access road to connect into the existing footway on Cliff Hollins Lane. This access is the subject of a Road Safety Audit, which will also cover the internal adoptable estate road. The RSA is presently being considered by the Council's Highways Development Management (HDM) team and their response, as well as the need for additional conditions, will be set out in the Committee update.
- 10.16 In terms of the positioning and treatment of the access and circulation routes within the site, the spine road is designed to run parallel with the existing gas pipelines that runs through the site. It would be positioned between development plateaus that would be created on either side. The access road would extend to approximate 7.5m in width to be constructed in asphalt. It would include passing places at regular intervals. An asphalt footway of approximately 2m would be built on either side. Along the route of the existing access, the grass verge that presently exists would be retained. Whilst there is no objection to the principle of the spine road and its position within the site, specific construction details of road gradients, vehicle tracking in relation to articulated vehicles, refuse vehicles and emergency vehicles are presently being reviewed and a final response from the Council's HDM will be set out in the Committee update.
- 10.17 Overall, however, the positioning and treatment of the access road within the site and the means of its construction is in accordance with the outline planning permission and it will fit into the surrounding highway network accordingly. In principle, it would therefore comply with the requirements of Policy LP21 and guidance with the Framework.

Appearance and Scale

- 10.18 As set out at Paragraph 3.9, no buildings are proposed within Phase 1. The first buildings will come forward as part of Phase 2. Accordingly, no details are required as part of this Phase 1 Reserved Matters submission and no further assessment on appearance and scale is necessary.

Landscaping

- 10.19 Policy LP32 of the KLP requires development proposals to take into account and to seek to enhance the landscape character of the area.
- 10.20 For this application, Phase 1 will include a re-grading exercise in order to create the development plateaus for future phases. As existing, the site gently slopes down from the north to the south. As part of the landscaping proposal for Phase 1, as detailed at Paragraphs 3.10 and 3.11 above, the works will therefore involve both cutting into the existing site and filling other parts of the site in order to create development platforms. These engineering operations will vary with 'fill' levels of between approximately 0.7m and 4m at the maximum whilst cutting into the existing landscape by up to 3.3m.
- 10.21 In terms of the effect of these earthworks on the surrounding area and existing properties, the ground level of the existing access road from Cliff Hollins Lane, which is closest to existing residents, will remain unchanged. Taking a north-west line across the site, the ground levels for the next 50m will also remain largely the same. Consequently, the earthworks being undertaken are well within the site and away from these residential properties. The greatest extent of fill would be undertaken at a distance of approximately 120m from the end of the access road for a length of approximately 140m (the location of a future phase). The second area of fill along this axis would be at a distance of approximately 320m from the end of the access road for a length of approximately 180m (also a future building phase). The most significant fill is towards this southern end, closest to the boundary of the site towards the M62.
- 10.22 On an east-west cross section, the plans indicate that the development platforms will be mostly cut into the existing landscape sitting at lower levels than existing. Properties to the west are, in any event segregated from the site by the M606 whilst those to the east along Cliff Hollins Lane are separated by farmland that broadly slopes up from the site. Within these contexts, the proposed earthworks are considered acceptable.
- 10.23 The landscape proposals for Phase 1 include the removal of seven trees and one tree group comprising the following as set out in the submitted Arboricultural Impact Assessment and Method Statement: T6 (Goat Willow, low quality); T7 (Hawthorn, moderate quality); T8 (Hawthorn, moderate quality); T9 (Hawthorn, moderate quality); T10 (White poplar, low quality); T11 (Hawthorn, low quality), one tree for the Mill Carr Hill/Bradford Road works T15 (Cherry moderate quality) and tree group G9 (willow, poplar, hawthorn). The removals are necessary to facilitate the construction of the access road and re-profiling of the site. It is noted, however, that no hedges are expected to be removed for Phase 1.
- 10.24 To compensate, as part of Phase 1, the scheme would introduce new native species tree planting along the access road as well as a group of trees clustered around two water attenuation basins at the entrance of the site. This new planting would soften the appearance of the access, which is also a public right of way, and also, provide some additional screening of the development from Cliff Hollins Lane. Further landscape proposals would be sought as part of future phases in association with specific plots.

- 10.25 The Council's Tree Officer has confirmed that the proposals are acceptable, subject to a condition that Phase 1 is completed in accordance with the advice and directions (recommendations) contained within the Arboricultural Method Statement. The landscaping treatment for Phase 1 is therefore considered to sufficiently protect the amenities of the site and the surrounding area and enhance it as far as is practicable for this first phase. On this basis, the reserved matter landscaping details for Phase 1 are considered acceptable in accordance with Policy LP32.

Layout

- 10.26 Policy LP24 of the Kirklees Local Plan advises that good design should be at the core of all proposals in the district. As there are no buildings within Phase 1, the assessment of layout in this phase relates only to the way in which the routes through the site and the development plateaus are laid out site within the site and their relation to buildings and spaces outside the development.
- 10.27 The access road would run centrally through the site to facilitate the creation of two development plateaus to the east and west of it, from which individual access points to the future development plots can be taken. At this stage, three development plots are envisaged, one to the west of the access road and two to the east.
- 10.28 The applicant advises that this layout is principally a consequence of having regard to the site constraints. The access road follows the route of an existing gas pipeline and the development plots have regard to other on-site constraints, including drainage easements and mineshaft locations.
- 10.29 In terms of the relationship to the surrounding area, the development plateaus to be created as part of the layout of Phase 1 are located well within the site. On the submitted layout plan, the perimeter of Phase 4, which is closest to Cliff Hollins Lane, is approximately 140m from the nearest residential properties. It would also be over 70m to the properties across the M606 on Bradford Road. It is a well contained site and the landscaping secured as part of this Reserved Matters submission will also ensure that the development plateaus sit comfortably within the site. Consequently, it would have an acceptable relationship within the surrounding landscape and existing buildings. For these reasons, the layout of the access road and development plateaus that forms this Phase 1 application are considered to be acceptable in accordance with Policy LP24.

Discharge of conditions

- 10.30 Approval is also sought to discharge six conditions pursuant to the outline planning permission. These conditions are worded in such a way that they require the detailed plans and particulars of the Reserved Matters to include these details. These are considered below.

Condition 6 (Biodiversity Enhancement Management Plan)

- 10.31 Policy LP30 of the Kirklees Local Plan states that the Council will seek to protect and enhance the biodiversity and geodiversity of Kirklees. Development proposals will therefore be required to result in no significant loss or harm to biodiversity in Kirklees and to provide net biodiversity gains where opportunities exist.

- 10.32 The BEMP submitted as part of this application addresses biodiversity enhancement across the entire site with particular management prescriptions for areas of retained natural habitat and new features to support biodiversity created through development. In response to the specific requirements of Condition 6, it provides the following details:

Description and evaluation of the features to be managed.

- 10.33 The existing site includes a strip of pasture and the former water treatment works on the outskirts of Cleckheaton, adjacent to the junction of the M62 and the M606. It acknowledges the potential for significant features of likely wildlife value in the wider areas include Hanging Wood, along the eastern boundary of the site. Within the site, it clarifies that based upon the summary findings from all ecological surveys of protected species and designations for the site, much of it comprises areas of low distinctiveness habitat, which have value to site based wildlife. It does, however, present opportunities for enhancement in key locations.

Ecological trends and constraints on site that might influence management.

- 10.34 The BEMP acknowledges that whilst no protected species have been identified on the site, it adjoins Hanging Wood, which is a Kirklees Site of Wildlife Significance. It therefore states that the development will need to provide appropriate vegetation and habitat enhancement to its eastern boundaries to provide a buffer to the KWS.

Aims and objectives of management.

Appropriate management options for achieving aims and objectives.

Prescriptions for management actions.

Details of initial aftercare and long-term maintenance.

Details of the body/ organisation responsible for implementation of the plan.

Details for on-going monitoring and remedial measures.

- 10.35 The BEMP confirms a range of specific aims of management to protect and enhance the biodiversity of natural habitats that are present, and create new habitat features that improve the ecological value to local wildlife. These include establishing target sown and planted habitats for specific species, enhancing the ecological function and habitat quality of the Hunsworth Beck corridor, new wildflower grasslands to the west of the existing access road, native hedgerow management, features for bats, birds (boxes), hedgehogs (refuges) and otters (1 holt). It details management options and how the specific measures will be managed and monitored in both the short-term and long-term.

- 10.36 The condition requires that the approved plan and particulars are implemented in accordance with the approved details and timescales, which are clearly set out in the BEMP. The Council's Biodiversity Officer has confirmed that the proposals within the BEMP in relation to Phase 1 are supported. It is recommended that a condition be attached that all works and subsequent monitoring are to be undertaken in accordance with the approved BEMP, including the installation of habitat boxes etc. However, this is already required by Condition 6 in any event such that a specific condition attached to Phase 1 is unnecessary.

10.37 Overall, the BEMP is sufficiently detailed to address the requirements of Condition 6 as it relates to Phase 1. It is therefore considered to meet the objectives of Policy LP30 and it is recommended that Condition 6 be discharged for Phase 1. This is subject to advice that to secure full compliance with Condition 6, the development must be implemented in accordance with the approved details and timescales pre, during and post construction as set out in the BEMP prepared by Brooks Ecological (Report Ref: ER-4003-02.3) received 1st July 2020.

Condition 17 (Site investigations)

10.38 Policy LP53 of the Local Plan confirms that where there is evidence of contamination, measures should be incorporated to remediate the land and/or incorporate other measures to ensure that the contamination/instability does not have the potential to cause harm to people or the environment. Such developments which cannot incorporate suitable and sustainable mitigation measures which protect the well-being of residents or protect the environment will not be permitted.

10.39 In this case, both Phase I and Phase II contaminated land reports were submitted and considered as part of the outline planning permission. These determined that parts of the site are on land that is potentially contaminated land due to its former use. The recommendations of these reports were confirmed by the Council's Environmental Health Officer at that time subject to a condition dealing with unexpected contamination. Condition 16, however, was a requirement of the Coal Authority. Whilst the Coal Authority concurred with the recommendations of the Environmental Statement submitted with the outline application, it concluded that the coal mining legacy potentially posed a risk to the development and requested 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.

10.40 Consequently, the applicant has submitted a Phase II Site Investigation report dated 3rd December 2019 as well as a Phase II Geo-environmental Report prepared by Wardell Armstrong dated November 2017. The Coal Authority advised Local Authorities in May 2020 that they had postponed their service in relation to considering discharge of condition consultations as they are not formally required to provide consultations at that stage. The CA did provide guidance to LPAs when considering such discharge of planning conditions, including whether the report is prepared and signed off by a competent persons, whether it is written in a clear and credible way, whether there is sufficient evidence to support its conclusions and recommendations. Furthermore, in this case, advice was sought from the Council's Environmental Health Team as far as practicable.

10.41 The Council consider that the report has been undertaken by competent persons with specific knowledge and expertise in this matter. It does include an assessment of intrusive site investigations pursuant to Phase 1. Within it, it identifies soil analysis results, including 1 reported sample that had elevated total cyanide (WS101). However, Environmental Health Officers agree with the conclusions of the report that as the reported figure is total cyanide, it is unlikely to pose a risk. Furthermore, the report recommends that the soil where elevated cyanide is found, is removed and replaced.

- 10.42 In terms of gas monitoring, the report shows results from 6 gas monitoring rounds over a 12-month period. It identified no elevated ground gas emissions in the area of development and suggests ground gas protection measures in line with national guidance. It does indicate elevated ground gas emissions within an area of possible shallow mining and recommends elevated gas protection elements in the southern area of the site. Environmental Health agree with this proposal. Further clarification was sought in respect of the justification for a lower risk ground gas regime across the remainder of the site. Further information was provided by the applicant indicating that an elevated recording of methane was located in a monitoring well approximately 250m to the south of the proposed development. The well was installed in an area of deep made ground formed by opencast mining. The applicant considered the risk posed by the concentrations recorded and noted, amongst other points, that all monitoring undertaken in proximity to the structure within the application boundary recorded methane below limits of detection. It was concluded the off-site source of gas posed a very low risk to the site. Therefore, mitigation measures are not deemed necessary in the proposed development. Having reviewed this additional information, Environmental Health confirmed that they were satisfied there was a low migration risk to site users given the ground conditions such that no gas mitigation measures are required.
- 10.43 In terms of zones of influence for the recorded mine entries on site, the definition of suitable 'no build' zones, a scheme of treatment for the recorded mine entries for approval and a scheme of remedial works for the shallow coal workings, these were all identified in a Coal Mining Risk Assessment for Phase 1 and 2 prepared by Curtins dated 4 February 2020 (Report Ref: : B065646-CUR-00-XX-RP-GE-001), This report was submitted to discharge condition 16 (site investigation) of 2016/92298 in accordance with 2019/93679, which was approved in December 2019 and has informed the subsequent layout of Phase 1. Furthermore, at that time, the Coal Authority did comment that the Coal Mining Risk Assessment submitted identified that within Phase 1, there are no risks arising from past coal mining activity and no further works are required in this area.
- 10.44 The information provided to discharge Condition 17 as it relates to Phase 1 is acceptable. It is therefore considered to meet the objectives of Policy LP30 and it is recommended that Condition 17 be discharged for Phase 1. This is subject to advice that to secure full compliance with Condition 17, the development must be implemented in accordance with the information and recommendations set out in the Ground Investigation Report (Ref: V01) dated 3rd December 2019, the Phase II Geo-environmental Report prepared by Wardell Armstrong dated November 2017 (Report Ref: RPT-002C) both received 26 May 2020 and the Coal Mining Risk Assessment for Phase 1 and 2 prepared by Curtins dated 4 February 2020 (Report Ref: : B065646-CUR-00-XX-RP-GE-001) approved as part of Condition 16 in accordance with 2019/93679.

Condition 18 (Tree Survey)

- 10.45 Policy LP33 of the KLP confirms that the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity. It also confirms that proposals will need to comply with relevant national standards regarding the protection of trees in relation to design, demolition and construction. Where tree loss is deemed to

be acceptable, developers will be required to submit a detailed mitigation scheme. Within this context, Condition 18 required details of a tree survey and Arboricultural Method Statement for the entire site and partly to ensure that there would be no harm to the adjacent ancient woodland (Hanging Wood).

- 10.46 The submitted Arboricultural Impact Assessment and Arboricultural Method Statement (AMS) clearly details the impact of the development on the proposed trees. Whilst 7 trees and a tree group will be removed to facilitate Phase 1, a larger proportion of seven trees, five whole tree groups and the hedgerow will be retained for the Phase 1 development. These would all be protected with security fencing. Hanging Wood, adjacent to the east side of the site, would also be protected by the retention of the existing boundary and site fencing to the edge of this wood.
- 10.47 The Council's Tree Officer has confirmed that on the basis that the AMS forms part of the approved documents for the reserved matters for Phase 1, there is no objection to the proposal and Condition 18 on the outline application has been satisfied in this regard. The proposal is therefore compliant with Policy LP33. It is therefore recommended that Condition 18 be discharged for Phase 1. This is subject to advice that to secure full compliance with Condition 18, the development must be implemented in accordance with the information and recommendations set out in the Arboricultural Method Statement prepared by Brooks Ecological (Report Ref: AR-4003-02-A) received 1st July 2020.

Condition 19 (Public Rights Of Way (PROW))

- 10.48 Policy LP23 of the KLP refers to the core walking and cycling network across the district to provide an integrated system of cycle routes, public footpaths and bridleways. The supporting text to LP23 notes that where a new development affects an existing public right of way (PROW), full details will be required within the planning application with appropriate mitigation measures to ensure the protection of the PROW for users.
- 10.49 In this case, the revised scheme detailed at Paragraph 3.21 has been prepared following direct discussion with the Council's PROW Officer. However, a final confirmation from PROW to confirm that these details are now acceptable and whether any additional conditions are required is still outstanding. This will be confirmed within the Committee update report.

Condition 29 (Noise attenuation)

- 10.50 As noted at Paragraphs 3.22 and 3.23 of this report, Condition 29 relates specifically to noise from operational site activities (comprising HGV movements and reversing alarms) rather than noise associated with the construction phase. These matters are controlled in any event by Condition 8 (Construction Environment Management Plan (demolition and enabling works) (Phase 1) of previous permission 2016/92298, which is being considered in accordance with a separate discharge of condition application 2020/92342. Moreover, it is long established in planning case law that issues arising from the construction period of any works, e.g. noise, dust, construction vehicles, hours of working legislation are not a material planning consideration.

- 10.51 For these reasons, and also taking into account that Phase 1 does not result in the construction of any new buildings such that it will not generate any HGV movements, no specific details are required for Condition 29 in respect of Phase 1 and it can be considered to be discharged on this basis.

Condition 31 (Electric vehicle charging points)

- 10.52 On the basis that Phase 1 does not result in the construction of any new buildings such that it will create neither a demand nor a requirement for electric vehicle charging points or a low emission strategy, no specific details are required for Condition 31 in respect of Phase 1 and it can be considered to be discharged on this basis. Such details will, however, be required for all future phases.

Response to Representations

- 10.53 It is acknowledged that there has been a significant level of local representation in response to this Reserved Matters submission, the details of which are summarised in Section 7.0 of this report. However, it must be noted that the majority of representations are objecting to matters that were previously assessed and determined at the outline planning stage. This outline permission already gives consent for the principle of the development of the site for up to 35,284m² of B1, B2 and B8 uses, including the highway impacts and off-site highway mitigation. Within this context, the response to representations is set out below:

Highways Issues

- 10.54 The majority of the objections raising general highway concerns pursuant to this application are, for the most part, objecting to the principle of the scale of development across the wider site and the means of access into it. However, as noted above, these matters are not relevant to this consideration of this specific application. This application is a Reserved Matters submission in relation to Phase 1 only. There are no buildings proposed as part of it.
- 10.55 More significantly, the outline planning permission in 2018 has already established consent for the extent of development on the site. It was based upon an Environmental Impact Assessment that included a full appraisal of the highway impacts of this level of floorspace. This included detailed traffic surveys and assessments of traffic generation. As such, whilst the concerns of local residents regarding a general increase in traffic generally are acknowledged, it has already been accepted by the Council that the current road infrastructure will be sufficient for the size of this development. Moreover, the mitigation measures (including mitigation to Chain Bar) have already been agreed as part of the Section 106 agreement. The S106 confirms that these have to be implemented prior to first occupation of any building.
- 10.56 Alternative options for access into the site were also fully considered at outline planning stage and Members have previously accepted the point of access via a new priority junction on Cliff Hollins Lane. This will be subject to a Road Safety Audit. It is also noted that the HSE were consulted as part of the outline planning application and did not advise against the granting of planning permission even taking into account the single point of access.

- 10.57 In response to concerns about the school car park and flooding issues, this land is within the remit of Bradford MDC and the planning applications on this site are for Bradford to consider and determine.
- 10.58 In response to objections relating to the operation of Mill Carr Hill Road/Cliff Hollins Lane/Bradford Road and whether or not these are operating at capacity, this is again, a matter that was considered fully at outline planning stage with the traffic impact being fully considered based upon a maximum development capacity at the site at that time.
- 10.59 It is understood that both Mill Carr Hill Road and Cliff Hollins Road are narrow and the comments from local residents that they are used as a 'rat-run' by motorists trying to avoid the long heavy traffic queuing at Chain Bar roundabout are noted. However, the mitigation measures secured at outline planning stage were sought for these reasons. These include a 7.5 tonne limit on Cliff Hollins Lane to preclude large vehicles. It is appreciated that some future employees may use this route as future phases will generate permanent employment. However, a Travel Plan was submitted with the outline planning permission to encourage travel by means other than the private car and such a mechanism can be sought on future phases where buildings are proposed. No buildings are proposed within this application.
- 10.60 The proposal for a roundabout on the Mill Carr Hill Road/Cliff Hollins Lane junction was rejected by the Local Authority in December 2017. Instead, a priority junction was agreed as part of the off-site works within the Section 106 agreement with the outline permission.
- 10.61 In terms of the impact of the proposal on Cliff Hollins Lane from the bridge upwards and the fact that traffic coming down Cliff Hollins Lane from East Bierley will come to a T junction and will need to stop to allow vehicles to enter/exit the site, as noted in the report, this junction is the subject of a current Road Safety Audit.
- 10.62 In response to concerns about the narrowness of the road through Cringles, these matters were considered and assessed at outline planning stage in order to establish the principle of this development, which has already been approved. The agreed off-site highway works set out in the report were required in order to mitigate any impacts.
- 10.63 Concerns regarding the hill during winter months, particularly around the junction of Mill Carr Hill Road and Cliff Hollins Lane are noted. The gradient was also acknowledged in the Transport Assessment submitted with the outline application. As set out above, mitigation was appropriately secured at that stage and it is not part of the consideration of this Reserved Matters application, which relates only to Phase 1.
- 10.64 The impact of HGVs travelling along Mill Carr Hill on the foundations of the motorway bridge is a matter for Highways England. HE were fully engaged in the application at the outline planning stage, which approved the extent of employment development on this site. They did not object subject to conditions being attached to that outline consent.
- 10.65 Accident data was fully considered as part of the outline planning permission.

- 10.66 In response to concerns about footpaths in the locality, this was also assessed and considered as part of the outline planning permission. The off-site highway works include measures to improve pedestrian movement. These include a 2m footway along Mill Carr Hill Road towards the junction with Bradford Road so there is a footway on each side, a 2m wide pedestrian island on this stretch. The re-alignment of the Carr Hill Road/Cliff Hollins Lane junction to give priority to vehicles travelling towards Cliff Hollins Lane and the development site will also include pedestrian footways secured as part of the S106 agreement.
- 10.67 The impact of the development on Woodlands School (in its entirety rather than specific to this Phase 1 application) was fully considered as part of the outline planning permission and specifically, a concern about the likely increase of HGV vehicle traffic movement in close proximity to school. As noted at that time, the route of HGVs from the site would be unlikely to pass in front of Woodlands C of E School as it lies to the north. In terms of the impact of the construction phase, it is for this reason that the school drop-off/car park is to be provided. This has been approved in outline by Bradford MDC with the Reserved Matters currently pending consideration.
- 10.68 It is acknowledged that the area is used by other road users, including cyclists and horse riders. However, the off-site highway works secured as mitigation as part of the outline planning permission have all been subject to a safety audit and the new junction between the site access and Cliff Hollins Lane has been the subject of a safety audit as part of this application. This will ensure that they are appropriately designed. Whilst acknowledging that this proposal will result in additional highway movements, as approved by the outline permission, the safe design of the mitigation measures has been fully considered.

Air Quality and Pollution

- 10.69 Local concern with regard to air quality is acknowledged and fully appreciated. However, the principle of developing the site for up to 35,284m² of B1, B2 and B8 uses has already been accepted by the Council by granting the outline planning permission, approved by the Planning Committee in March 2018. As stated in the report above, this application seeks only to agree the Reserved Matters for Phase 1.
- 10.70 Moreover, Air Quality was fully considered as part of the outline consent as it included a full Air Quality Assessment (AQA). With regard to potential impacts during the construction phase, the AQA concluded that with appropriate mitigation measures (i.e. a Construction Environmental Management Plan condition) impacts could be effectively controlled and managed, and so the residual impacts were considered to be negligible. A CEMP condition was attached to the outline and for Phase 1, details have been provided in accordance with a separate discharge of condition application (2020/92342). Restrictions on the times that HGVs can access the site were not imposed as part of the outline permission and would not meet the tests for the imposition of planning conditions set out within the National Planning Policy Framework. It would not be reasonable to restrict HGV movements during either a construction phase or the operational phase of an allocated employment site.

10.71 Furthermore, this Phase 1 application is essentially a construction phase. No buildings are proposed and it does not progress the site into an operational phase. Future phases, where buildings are proposed, will need to consider the operational impact with regard to Air Quality and the inclusion of low emission strategies to off-set the impact of the development. This requirement is contained within Condition 31 of the outline planning permission. In the event that none are incorporated, the S106 includes a clause that the developer shall pay an Air Quality Mitigation Contribution of £71,370, the equivalent of the identified damage costs to be spent on air quality mitigation measures in the vicinity of the site. It is therefore a matter for future phases.

Flooding

10.72 With regard to flooding concerns and whether water draining from the development will cause further downstream issues with increased flooding, this was a matter appropriately considered and determined at outline planning stage. The Lead Local Flood Authority did not object to the development subject to the imposition of relevant planning conditions, which will need to be discharged and approved for each phase.

Public Right of Way

10.73 There is an acknowledgment in the representations that the developer has included plans to maintain the footpath through the site but no provision has been made for parking for those wishing to travel to it by car or for visitors to Cringles. There is no requirement for the applicant to accommodate vehicles that choose to park on the public highway to access a public footpath nor visitors to Cringles. It is the responsibility of highway users to park safely.

Pollution issues

10.74 Residents have raised concerns regarding noise from the proposed industrial units with the suggestion of baffles - trees, grass banks - to provide some reduction in noise levels when the site is in use. As stated above, this Phase 1 application will not result in the construction of any buildings. However, the noise impact of the proposal in relation to surrounding residents was fully considered at outline stage. As a consequence, the outline planning permission includes two specific conditions that future phases where a building is proposed will need to comply with. These include a requirement to demonstrate how the proposal will achieve a level of 5dB attenuation measures through the provision of screening and land features in accordance with the Noise & Vibration Report accepted as part of the outline permission. There is also a separate condition controlling fixed mechanical services and external plant and equipment at any individual unit on the site. These should address concerns relating to noise.

10.75 During the construction phase, including this Phase 1 submission, the applicant is required to submit a Construction Environment Management Plan, which includes a requirement to submit details of the procedures that will be used to protect the amenity of occupiers of nearby sensitive premises by effectively controlling a range of matters, including noise and vibration from construction activities and vehicle movements. These details have been provided in accordance with a separate discharge of condition application (2020/92342).

10.76 With regard to light pollution, this is also covered by the CEMP, which requires details of the procedures that will be used to protect the amenity of occupiers of nearby sensitive premises by effectively controlling stray light and glare from artificial lighting used on site. A separate condition requires details of a lighting strategy prior to the occupation of any building on site. As such, lighting will be considered for each phase and is already controlled by conditions on the outline consent.

10.77 Ground contamination was also fully considered at outline stage and is controlled by conditions on the outline permission. Specific concerns have been raised about the filter beds. However, the applicant has provided details of soil classification tests undertaken on the filter beds. They advise the following:

‘As detailed in the ‘Department of Environment Industry Profile: Sewage works and sewage farms’ the majority of contamination from the treatment process is contained within the sludge extracted during the phased treatment. The filter media would have been used as part of the secondary treatment process following initial screening of the sewage would remove c. 55% of the waste. The purpose of the material was to allow secondary treatment through microbial degradation of percolating primary treated effluent. Excess biological material was then sloughed off and removed. Key to the process is the maintenance of c. 50% voids in the bed material to encourage the oxidation and allow the material to be drained. On cessation of the introduction of effluent, the microbial action would have ceased as it requires the ‘biological materials’ in the effluent to work. As expected, therefore, the filter bed material has been confirmed in grading testing to be >90-95% gravel. The potential for gross contamination in sludge to be entrained in the material is therefore extremely low. To date no such material has been identified in the filter media removed and stockpile.

The proposed use of the material is as a Class 1 aggregate and so in the unlikely event that any sludge was identified it would be non-compliant with the materials specification and would be separated. Its presence would be considered unexpected and, as would be required under standard planning condition process, would be subject to assessment through appropriate testing, risk assessment and action (likely documented removal from site).

There is already a condition on the outline consent that deals with unexpected contamination and consequently, this matter is adequately addressed by the outline permission.

Green Belt

10.78 As detailed in the report above, the site does not lie within the Green Belt. It is allocated for employment use within the Kirklees Local Plan.

Living Conditions

10.79 An objector considers that all new developments should be camouflaged and out of site and the buildings should blend into the landscape and not be seen by the naked eye. No buildings are proposed within this Phase 1 application. The appearance and scale of the industrial units, and their landscaped setting, will be considered as part of future phases.

Ecology

- 10.80 The ecological impacts of the development were fully considered as part of the outline planning permission. Moreover, a Biodiversity Enhancement Management Plan has been agreed as part of this application as detailed in the report above.

Employment

- 10.81 In response to the objections relating to the employment figures and whether or not the proposal is necessary given the number of unused units in the surrounding areas, this is not a matter that is relevant to the consideration of this application. The principle of the development has already been established and agreed by the outline planning consent.
- 10.82 The concern regarding job opportunities and apprenticeships is noted and will be discussed with the applicant of future phases that relate to the construction of the individual units.

Procedural

- 10.83 In responses to concerns that plans should be advertised locally as not everyone has access to a computer, it is noted that the application has been advertised in accordance with the statutory requirements set out in the Town and Country Planning (Development Management Procedure) Order 2015.
- 10.84 Issues raised by residents in relation to the mounds of earth previously on site and whether the planning had been finalised is addressed in the enforcement section above.
- 10.85 It is appreciated that residents of Oakenshaw and Lower Woodlands have voiced previous objections to the development but feel that it had no effect on the decision Kirklees Council made. One resident feels that it is because the site is on the border of Kirklees/Bradford. Residents can be assured that this is not the case. Whilst the outline planning permission was approved notwithstanding previous objections from local residents, it was considered by the Council's Planning Committee at that time with full knowledge of local objections and determined in accordance with both national and local planning policy and guidance.
- 10.86 In response to the view that the car park should be dealt with at Reserved Matters Stage by Bradford Council before this application is considered by Kirklees Council to ensure that it has the appropriate permissions in place. This application is due to be considered by Bradford Council's Planning Committee in the coming month or so and, as such, its determination is aligned with this application.

Other

- 10.87 In response to concerns that the building of the industrial estate will affect the attractiveness and selling price of the houses of residents' nearby, it is established in planning case law that this is not a material planning consideration.

- 10.88 In response to a specific concern that a resident would not like any further trees planted outside the back of bungalows because their light is already limited due to the trees lining the M606, as set out in the report above, landscaping is proposed within the site and along the access road.
- 10.89 In response to the comment that there are few shops left in the village and additional traffic will have a knock-on effect to the passing trade, it is considered that this is anecdotal and the reduction in local shops cannot be attributed to this specific development.
- 10.90 It is acknowledged that the Phase 1 proposal is located within COMAH Band C and there is also a high pressure gas main bisecting the site. However, no buildings are proposed as part of Phase 1 and consequently, there are no permanent occupants on site, which is the primary interest of the HSE. Furthermore, the HSE did not object to the outline planning application and they will also be consulted on future phases where buildings are proposed.
- 10.91 Concerns have been raised about how the site was allocated. However, this is not relevant to the determination of this application. Moreover, the site allocation process was subject to an in-depth public examination process and detailed scrutiny by an independent Planning Inspector appointed by the Planning Inspectorate.

11.0 CONCLUSION

- 11.1 This application seeks Reserved Matters approval for matters of access, layout, scale, appearance and landscaping for Phase 1 of the development of the former waste water treatment works pursuant to outline planning permission (2016/92298) for the redevelopment of the site to provide employment uses within Use Classes B1(c) (light industrial), B2 (general industrial) and B8 (storage and distribution).
- 11.2 The principle of the employment development of this site for up to a maximum of 35,284m² of B1, B2 and B8 uses was established by the outline permission. This application relates specifically to the construction of the access road and the formation of plateaued, remediated and serviced development plots in accordance with the outline.
- 11.3 As set out in the report above, the principle of the access road in terms of its location within the site is acceptable. Subject to an acceptable Road Safety Audit, it is considered that sufficient details have been provided in respect of the relevant Reserved Matters of access, landscaping and layout (with scale and appearance not relevant to this phase) to discharge Conditions 1-3 of 2016/92298.
- 11.4 In addition, sufficient information has been submitted to discharge Condition 6 (Biodiversity Enhancement Management Plan), Condition 17 (Site investigations), Condition 18 (Tree Survey), Condition 29 (Noise attenuation) and Condition 31 (Electric vehicle charging points) of 2016/92298 as they relate to Phase 1. The revised information submitted in respect of Condition 19 (PROW) also reflect discussions with the Council's PROW Officer and are acceptable in principle, subject to confirmation from PROW in terms of their details and whether any additional conditions are required.

11.5 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 it is therefore recommended for approval.

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

1. Development in accordance with the approved plans.
2. Phase 1 to be completed in accordance with the advice and directions (recommendations) contained within the Arboricultural Method Statement.

Background Papers:

Application and history files:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f91488>

Certificate of Ownership – not required as this is a Reserved Matters submission following outline approval.

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Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 16-Sep-2020

Subject: Planning Application 2020/90436 Outline application for the demolition of 1no. dwelling house and the erection of residential development and associated works with details for access Land adj, 115, Westfield Lane, Wyke, BD12 9LY

APPLICANT

A Stoddart

DATE VALID

13-Feb-2020

TARGET DATE

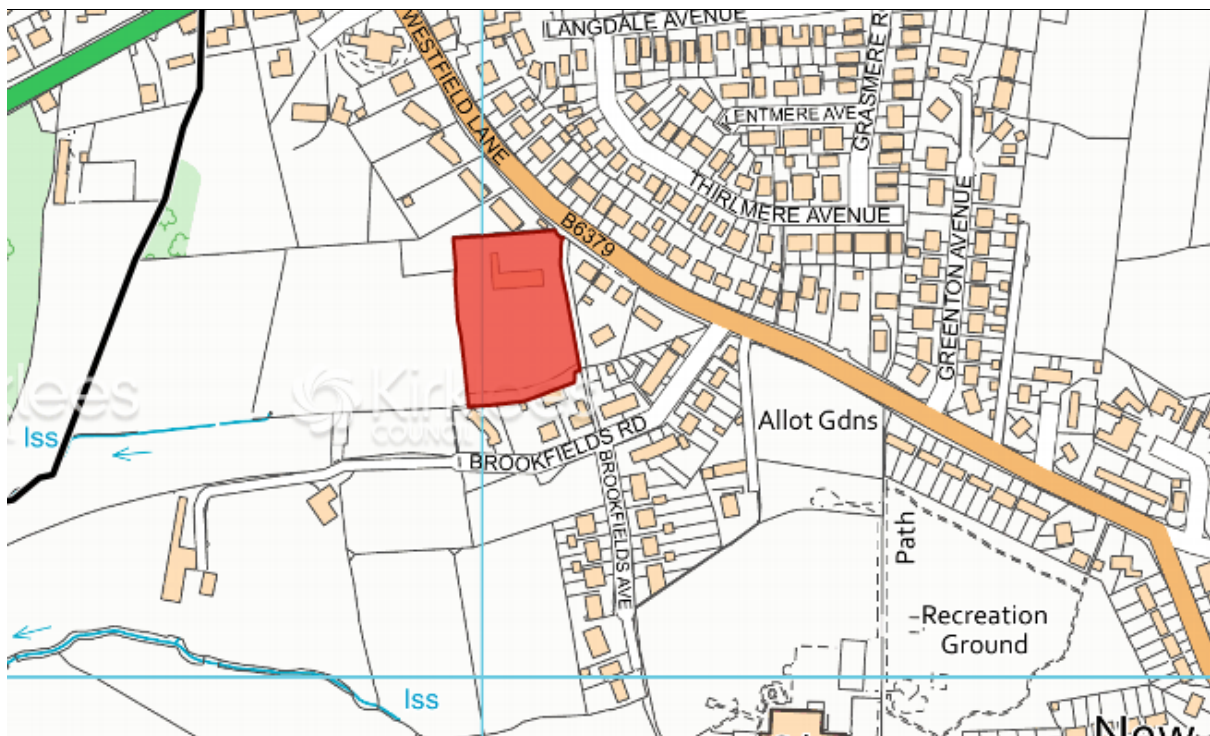
14-May-2020

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 Ward

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

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

1.0 INTRODUCTION:

- 1.1 This is an outline planning application for the demolition of an existing dwelling house and the erection of residential development and associated works with details for access.
- 1.2 The application is presented to the Strategic Planning Committee as the site is larger than 0.5 hectares in size, in accordance with the Council's Scheme of Delegation.
- 1.3 The application was considered at a virtual meeting of the Council's Strategic Planning Committee on 26/08/2020, where it was resolved to defer the committee's decision to allow the applicant an opportunity to propose to retain rather than demolish the existing dwelling house. Some committee members believed that the existing dwelling house, known as 'Fieldhead' should be conserved due to its historical and architectural interest. Members also believed that the existing dwelling could be effectively incorporated into a residential development proposal.
- 1.4 The agent in an email dated 26/08/2020 has confirmed that the applicant wishes for the application to be determined by committee in its current form. The reasons given are that the dwelling house is not listed, it has no legitimate heritage value and is in a general state of disrepair.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site consists of the dwelling at 115 Westfield Lane, Wyke, which is a substantial detached stone-built bungalow building with a two-storey element that utilises the topography, set within a large landscaped curtilage.
- 2.2 Historic OS Maps show that the bungalow was developed between 1922 and 1931, and known as "Fieldhead". The building is not listed or within a conservation area.
- 2.3 The application site measures 0.691 hectares in size and slopes downhill by approximately 7m from northeast to southwest. The site is accessed from Westfield Lane.

- 2.4 The site is surrounded by a variety of both conifer and broadleaf trees and bordered on the south and east by a large tree group of mixed species. There are a number of Tree Preservation Orders found along the site's eastern and southern boundaries, as well as two groups of Tree Preservation Orders along the site's northern boundary.
- 2.5 A Public Right of Way (PRoW) SPE/31/10 follows a route outside the site's eastern boundary, separated by a palisade fence. Beyond the PRoW there is a cul de sac of recently developed two-storey detached dwelling houses.
- 2.6 Beyond the site boundary to the northwest there are large dwelling houses set within large garden curtilages fronting onto Westfield Lane. Beyond the boundary to the south there are a mixture of house types set within fairly spacious plots associated with Brookfields Road. Beyond the boundary to the west there are open views of fields that form part of the adjacent green belt.

3.0 PROPOSAL:

- 3.1 The planning application is submitted in outline and the applicant seeks permission for the principle of residential development with the means of access, with all other matters reserved.
- 3.2 An indicative site layout plan shows how 15 dwelling houses, consisting of 10 detached houses and four semi-detached houses, as well as two detached garages. Each dwelling house would have a large driveway, as well as front and rear gardens. The houses are arranged around a cul de sac layout with four visitor parking spaces.
- 3.3 Proposed site plans shows that the proposal would adapt the existing access point to facilitate access for up to 15 dwelling houses, which may result in works to the some of the protected trees to the north west corner.
- 3.4 The indicative proposal shows that majority of the protected trees would be located within the rear gardens.
- 3.5 The site plan also denotes how the boundary line adjacent to the Public Right of Way could be repositioned to provide a constant width of 3.2m.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 Current application site:

2007/90862 – Demolition of dwelling and erection of 20 dwellings with garages
– Refused on 17/05/2007 for the following reasons:

1. It is considered that the proposal by reason of its layout, and density fails to respect the characteristics of the area, in that it is not well integrated with nor does it compliment the surrounding building nor does it relate well to its surroundings. As such the proposal is considered to be contrary to Policies BE1, BE2 and D2 of the Unitary Development Plan as well as advice and guidance contained in PPS1 Delivering Sustainable Development and PPS3 Housing.
2. The scheme fails to make satisfactory provision for Public Open Space. As such it is considered to be contrary to Policy H18 of the Unitary Development Plan.

3. The proposal fails to provide satisfactory parking and little or no incentive to encourage the use of alternative modes of transport to the car. As such the proposal is considered to be contrary to Policy T19 of the Unitary Development Plan, as well as guidance contained in both PPG13 and PPS3 Housing.

4.2 Neighbouring Sites:

Formerly 113 Westfield Lane, Wyke, BD12 9LY:

2017/91748 – Demolition of 1 dwelling and erection of 4 dwellings – Conditional Full Permission granted on 31/08/2017

2015/91280 – Outline application for erection of 5 dwellings - Conditional Outline Permission granted on 09/07/2015

Land off, Brookfields Road, Wyke, BD12 9LU:

2007/92629 – Demolition of existing dwelling and erection of seven dwellings with garages – Conditional Full Permission granted on 11/10/2007

2015/92310 – Erection of six dwellings – Conditional Full Permission granted on 17/11/2017

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

- 5.1 A change was made to the development description to more accurately reflect the planning application.
- 5.2 The current palisade fencing along the site's eastern boundary does not accurately denote the Public Right of Way (PRoW) (Spenborough 31). A site plan was submitted during the life of the planning application that shows an agreement to the relocation of the site boundary treatment to respect the PRoW.
- 5.3 A Bat Emergence and Re-entry Survey and a Biodiversity Metric 2.0 calculation was submitted.
- 5.4 In discussions with the Lead Local Flood Authority the applicant has submitted a revised drainage strategy. This additional drainage information includes an indicative drainage design (alignments, discharge rate and storage estimate) alongside safe flow routing for the site in exceedance events.

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27/02/2019).

Kirklees Local Plan (KLP)

6.2 The following policies are considered relevant:

LP1 – Achieving sustainable development
LP2 – Place shaping
LP3 – Location of new development
LP7 – Efficient and effective use of land and buildings
LP11 – Affordable housing and housing mix
LP20 – Sustainable travel
LP21 – Highways and access
LP22 – Parking
LP24 – Design
LP27 – Flood risk
LP28 – Drainage
LP30 – Trees
LP32 – Landscape
LP33 – Biodiversity and geodiversity
LP35 – Historic environment
LP38 – Minerals safeguarding
LP47 – Healthy, active and safe lifestyles
LP51 – Protection and improvement of local air quality
LP52 – Protection and improvement of environmental quality
LP53 – Contaminated and unstable land
LP63 – New open space

Supplementary Planning Guidance / Documents

6.3 Relevant guidance and documents are:

- Highways Design Guide Supplementary Planning Document (2019)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Kirklees Strategic Housing Market Assessment (2016)
- Kirklees Interim Affordable Housing Policy (2020)

National Planning Policy and Guidance

6.4 The National Planning Policy Framework (2019) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal.

6.5 Relevant chapters are:

Chapter 2 – Achieving sustainable development
Chapter 4 – Decision-making
Chapter 5 – Delivering a sufficient supply of homes
Chapter 8 – Promoting healthy and safe communities
Chapter 9 – Promoting sustainable transport
Chapter 11 – Making efficient use of land
Chapter 12 – Achieving well designed places
Chapter 14 – Meeting the challenge of climate change, coastal change and flooding
Chapter 15 – Conserving and enhancing the natural environment

- 6.6 Since March 2014 Planning Practice Guidance for England has been published online.
- 6.7 On 01/10/2019 the Government published the National Design Guide.
- 6.8 Many policies within the National Planning Policy Framework (NPPF), the Planning Practice Guidance and the National Design Guide are relevant to this proposal and, where relevant, are referred to in the main report text.

Climate change

- 6.9 On 12/11/2019 the Council adopted a target for achieving “net zero” carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

7.0 PUBLIC/LOCAL RESPONSE

- 7.1 The application has been advertised in accordance with the Council’s adopted Statement of Community Involvement. The end date for this initial publicity was 27/03/2020.
- 7.2 As a result of the initial statutory publicity period, 10 letters of objection have been received. The concerns raised are summarised as follows:
- Local area has been inundated with planning applications.
 - Already an issue with parking on the footways.
 - Adverse impact on local amenities that are already at capacity i.e. schools, roads, drainage etc.
 - Impact on the carbon footprint and polluting emissions from an increase in traffic.
 - Residents will have insufficient driveway space for their cars and will have to park on the busy main road of Westfield Lane which already suffers from on street parking issues.
 - Concern that the road widths and sheer number of cars that will be on the plot means that cars, refuse lorries and delivery vans will resort to dangerously reversing on to and parking on the busy Westfield Lane.
 - Is there a need and the local capacity for this development as Calderdale Council are already planning a development of 3,000 new homes in the Thornhill Lane garden village proposal between Brighouse and Scholes?
 - Concern that the PRoW will be too dark, rendering it unsafe and unusable for a majority of the year due to the boundary treatment associated with the recently built houses and proposed houses.

- It would seem much safer if access to the new development was provided through Brookfields Road.
- Development will cause road disruptions during construction as well as worsen road safety and traffic in this area.
- Can the utilities cope with all these extra houses?
- Overdevelopment / too dense.
- Development on greenfield / 'Garden grabbing' / Greenbelt. Should develop on brownfield sites.
- It will lead to further unwanted development on this road as a precedent will be set.
- Inadequate drainage and sewerage capacity.
- The applicant's drainage and foul sewerage assessment seems unaware of planning application 2013/90068 submitted by Yorkshire Water to alleviate existing drainage problems in this area.
- There is a clear building line along this stretch of Westfield Lane which will be disrupted by this application.
- The new properties will not be in keeping with the others in the area.
- The current garden acts as a wildlife haven and a buffer with the green belt and should not be developed, thus only the brownfield element of the site should be developed.
- Water pressure on this road is poor already and to add another 15 houses to this will only make this worse.
- Adding more houses to the area will only result in even poorer internet speeds for existing residents.
- The new properties will affect residential amenity as they will overlook many residential houses on all boundaries breaching their privacy in both gardens and internal spaces as well as obstruct natural light.
- The public footpath entrance will adjoin the entrance to the new site. This could mean that school children could meet emerging or entering traffic with no warning posing a safety issue.
- Ownership, management and maintenance concerns of the proposed open space areas and the protected trees.
- Loss of trees will impact on flood risk, visual amenity, landscaping, residential amenity (privacy and shading) and have an adverse impact on biodiversity.
- Unacceptable loss and impact on protected trees, as they will need to be thinned as they are too close to the proposed dwelling houses.
- The large branches currently overhanging our property boundary (which currently cause a nuisance and danger due to falling branches) should be pruned to avoid any further damage during construction.
- Dispute traffic survey as too much emphasis is being placed on site residents using public transport and walking to 'local' amenities in Wyke village is absurd given the actual distance in question.
- Strain on local services - local schools and GPs are already at capacity.
- There was previously an application to build a similar number of houses on land at 119 Westfield Lane. This was declined on the basis that the proposal was not in keeping with the characteristics of the local area and the same reasoning applies here.
- There should be more green space per house and taking into account that if you don't provide adequate parking space, the new residents will pave over the whole front gardens.

- Regarding global warming and environmental impact, all the properties should meet stringent building regulations of insulation and efficiency and for the houses on the Greenfield element should benefit from the implementation of renewable heating technology to reduce their carbon footprint.
- Increase in Impermeable surfaces on the top over Hill will have an adverse impact on flood risk downhill. The fields below this site are subject to water logging which will be made worse by the removal of vegetation interception.
- Nowhere in the design proposed is there artistic impression of what the houses look like and whether they fit in with the local buildings.
- The site adjacent 113 Westfield Lane was developed a year prior with four houses on a plot 50 percent the size of this development. Observations of this completed development see that due to overcrowding of an insufficient size plot.
- Trees remaining with existing tree protection orders should be catalogued with photographs prior to any works or development to ensure they are not removed / damaged / cut by builders and not qualified surgeons in the development process.
- There is no consideration for us who live here although we have continued to object to the destruction of this area.
- Light pollution concerns due to new houses security lighting.

7.3 Ward members were also consulted regarding the proposal. Cllr Pinnock provided the following comments:

“Development of the site at the level proposed would present many challenges, particularly to make it in keeping with the surrounding built forms.”

8.0 CONSULTATION RESPONSES:

Statutory:

8.1 The following is a brief summary of consultee advice (more details are contained within the assessment section of the report, where appropriate):

Coal Authority: No objection but request planning conditions securing intrusive site investigations to identify any potential coal mining legacy and the necessary remediation scheme.

City of Bradford Metropolitan District Council: No objection.

Environment Agency: No comment.

Health and Safety Executive (HSE): Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

KC Flood Management: No objection subject to the imposition of planning conditions in relation to exceedance flow routing; drainage detailed design; management and maintenance; and temporary surface water management plan during construction phase.

KC Highways Development Management: No objection subject to the imposition of planning conditions securing details of suitable storage, bin presentation points and access for collection of wastes, details of temporary waste collection arrangements, access sightlines to be provided, construction access, retaining structures and surface water attenuation.

Highways England: No objection.

Non-statutory:

8.2 **KC Conservation and Design:** No objection.

Background regarding non-designated heritage assets

National Planning Practice Guidance states that “a substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage significance to merit identification as non-designated heritage assets... it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence... In some cases, local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications.”

At the present time Kirklees Council does not have a list of non-designated heritage assets, these are identified in response to planning casework. Their architectural and historic interest is assessed on a case by case basis. Historic England’s series of Listing Selection Guides provides a benchmark of national significance, which is useful in considering whether buildings or structures are somewhere near that level and merit consideration as non-designated heritage assets.

Identification as a non-designated heritage asset does not prevent the demolition of the building unless an Article 4 direction is also made removing permitted development rights for demolition. It does however engage Policy LP35 of the Local Plan and paragraph 197 of the NPPF.

Initial assessment of the architectural and historic interest of 115 Westfield Lane

The following is based on a rapid review of available sources such as OS Maps, the National Heritage List and reputable websites.

115 Westfield Lane, Wyke is datable from Ordnance Survey mapping to between 1922 and 1933. It was originally known as Fieldhead. It is a single-storey dwelling built from local stone. Its design draws its inspiration from the local vernacular and the contemporary Arts & Crafts. The layout follows a common Arts & Crafts theme in which the house is orientated to face south over its gardens, maximising the use of natural daylight and in imitation of the old halls and manor houses of the 17th century and earlier. The principal entrance is in the north elevation in an arched recessed porch between a pair of gables. Typical vernacular details include mullioned windows with stone surrounds and stone kneelers. Whilst the design is attractive, there is nothing particularly remarkable about it, it dates from the latter years of the Arts & Crafts and there are many buildings of a similar quality. It has also been much altered and extended. It therefore has only moderate architectural interest.

Arnold Gladstone Sladdin is recorded in his will as the owner of Fieldhead at the time of his death in 1941. He was the managing director of W H Sladdin & Sons, Ltd of Crowtrees Mill, Rastrick, Brighouse. He was apparently an architect and designed St Paul's Wesleyan Methodist Sunday School, Brighouse (now the Salvation Army building), which opened in 1914. It is possible, but unproven, that he also designed Fieldhead. There are no listed buildings attributed to A G Sladdin on the National Heritage List, nor is there any reference to him the Yorkshire West Riding Pevsner Architectural Guide and the RIBA Library Catalogue. This indicates that his work was not considered of particular architectural interest. No other historical associations are found with Fieldhead from an initial internet search. On this basis Fieldhead may have slight historical interest for its association with A G Sladdin.

Conclusion and Recommendation

Based on an initial review of easily accessible sources, Conservation and Design do not consider that Fieldhead is a non-designated heritage asset. National Planning Practice Guidance indicates that the threshold should still be a relatively high level of heritage significance for a building to be considered a non-designated heritage asset. Fieldhead has some moderate architectural interest and may have slight historic interest for its association with A G Sladdin but falls short of having a high level of significance. The building is still of some merit and consideration should be given to the relative benefits of the re-use and insulation to modern standards of the existing building and the embodied carbon inherent in it versus the carbon footprint of demolition, disposal and construction of a replacement dwelling.

KC Ecology: No objection subject to planning conditions requiring additional details regarding bats if a Reserved Matters application is not submitted within two years and an Ecological Impact Assessment demonstrating how the proposals will deliver a measurable biodiversity net gain of at least 10%.

KC Environmental Health: No objection subject to the imposition of planning conditions regarding land contamination and electric vehicle charging points.

KC Landscape: No objection subject to the necessary planning condition securing further landscape details and for a 15 dwelling house scheme an off-site financial contribution of £28,271.00 towards greenspace within the Cleckheaton ward would be required.

KC Policy: No comment on the principle of development. Comments provided on the indicative layout and design and the need to consider green belt, local character, public rights of way, passive solar gain and housing mix. An assessment has also been provided on the public space requirement based on an indicative scheme of 15 dwelling houses.

KC Public Health: No comment as the application is below the 50+ dwelling threshold for comment.

KC Public Rights of Way (PRoW): No objection subject to the imposition of a planning condition securing the relocation of the existing fence to the original boundary alignment.

KC Strategic Housing: No objection subject to securing the necessary affordable housing requirement. For a 15 dwelling houses three dwelling houses should be sought that are with two social or affordable rented dwellings and one intermediate dwelling. The affordable houses should be indistinguishable from market housing in terms of both quality and design.

KC Trees: No objection. Any reserved matters application will need to take account of the tree constraints on site and ensure the layout is designed around them. In addition, the reserved matters will need to be supported by an arboricultural impact assessment and method statement.

KC Waste Strategy: No comment. There are no closed landfill sites within 250m of application address.

KC Waste Strategy (Refuse & Cleansing): No objection subject to the imposition of planning conditions securing details of suitable storage, bin presentation points and access for collection of wastes, as well as the details of temporary waste collection arrangements.

Northern Gas: No objection

Yorkshire Water: No objection subject to planning conditions requiring separate systems of drainage for foul and surface water on and off site and further information regarding surface water drainage works.

West Yorkshire Archaeology: No objection. The West Yorkshire Historic Environment Record has been checked and there are currently no known significant archaeological implications to the proposed development. Thus, there is no requirement for archaeological appraisal or evaluation.

Yorkshire Wildlife Trust: No objection subject to the imposition of the necessary planning conditions regarding protection of bats, securing a biodiversity net gain and a Construction Environmental Management Plan.

West Yorkshire Police Designing Out Crime Officer: No objection to the principle of the development. However, a number of issues have been raised regarding the proposed indicative layout and the PRow.

9.0 MAIN ISSUES:

- Principle of development, land use and sustainability
- Urban design
- Residential amenity
- Impact on highway safety
- Drainage and flood risk
- Landscape, trees and ecology
- Environmental and public health
- Ground conditions
- Climate change
- Representations
- Planning obligations
- Other matters

10.0 APPRAISAL:

Principle of development, land use and sustainability

- 10.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. The starting point in assessing any planning application is therefore to ascertain whether or not a proposal accords with the relevant policies within the development plan, in this case, the Kirklees Local Plan. 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 the planning permission should be granted.
- 10.2 The Local Plan sets out a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum and taking account of windfalls, committed housing figures and losses/demolitions.
- 10.3 The planning application site consists of an existing dwelling plot associated with 115 Westfield Lane which is in an established residential area that falls within the Wyke-Scholes settlement conurbation. The site is considered to be in a sustainable location with access to shops, services and employment opportunities either associated with Wyke or Scholes. Westfield Lane also provides frequent bus links to the larger settlements of Bradford, Halifax and Leeds.
- 10.4 The application site is not allocated in the Local Plan but is adjacent to land designated as green belt. The proposal could be considered to be a potential windfall housing site located within the Batley and Spen sub area. As such the provision of housing on brownfield sites within this sub-area would accord with the Council's spatial strategy as well as Local Plan policies LP1 (Presumption in favour of sustainable development), LP2 (Place shaping) and LP3 (Location of development).
- 10.5 The planning application seeks outline application for the demolition of one dwelling house and the erection of residential development and associated works with details for access to provide an adoptable highway and footpath. An indicative layout shows the potential to erect 15 dwellinghouses and works to protected trees to facilitate such development. The supporting information states that the site currently contains one dwelling and the replacement of it with circa 15 dwellings makes a more effective and efficient use of the site which is claimed to be wholly underutilised. The supporting information also explains how a density of 35 dwellings per hectare cannot be achieved as per Local Plan policy LP7 due site constraints. These include Tree Preservation Orders and ensuring suitable separation distances with the existing properties.
- 10.6 Officers acknowledge Local Plan policy LP7 clauses a and b, to ensure the best use of land and buildings, with the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and the reuse or adaptation of vacant or underused properties. Additionally, paragraph 122 of the NPPF states how decisions should support development that makes efficient use of land but takes into account a number of clauses, including clause d which states: *"the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting*

regeneration and change". Officers consider that there is scope for residential development given residential dwelling houses can be found on the site's northern, eastern and southern edges.

- 10.7 Officers are aware that a planning application for the "Demolition of one dwelling and erection of 20 dwellings with garages" was made on the same application site and was refused on 17/05/2007 (reference: 2007/90862). The planning application was made in "full" and the planning application was determined under the previous development plan. As such, a recommendation for approval for the current application is not considered to contradict this previous decision.
- 10.8 Initially the site description for the planning application was for "Outline application for erection of up to 15 dwellings and associated works" However, it was considered that the proposal did not properly demonstrate how it would accord with Local Plan policies LP7 and LP11 in terms of design, housing mix and density. As such, the site description was changed and it was agreed that the type and number of dwelling houses would be agreed at the Reserved Matters stage once all of the site constraints were fully considered and used to inform further design work. If approved, officers recommend a suitably-worded planning condition that restricts the development to a maximum of 15 dwelling houses as officers have assessed the access (only) point as being suitable for this level of development.
- 10.9 Notwithstanding the lack of indicative information, it is considered that the site can be developed for residential use and there is no reason to believe at this stage that the site's constraints and challenges (relating to the openness of the adjacent green belt, trees, drainage, open space requirements, coal mining legacy, ecology, highways, neighbour amenity and other planning considerations considered later in this report) cannot be satisfactorily addressed at detailed (Reserved Matters) application stage.
- 10.10 Given the above, it is considered that the principle of the demolition of the existing dwelling house and the development of a greater number of dwellings with details for access can be considered acceptable. The site is considered to be underutilised and in a sustainable location, within an established residential area. The planning application for residential development would also positively contribute towards meeting the Council's housing requirement.

Urban design and heritage

- 10.11 This outline planning application seeks approval of access details and does not include matters of appearance, landscaping, layout and scale. As such, if outline approval was obtained these matters would be determined at the Reserved Matters stage. The outline planning application also seeks for the demolition of a large dwelling house, known as 'Fieldhead' that is not listed or within a conservation area or benefits from any other designation that would warrant its retention.
- 10.12 An indicative site layout plan shows how 15 dwelling houses could be accommodated within the site. The submitted Design and Access Statement explains how the properties would range from three-bedrooms to five-bedroom units. The site layout plan shows 11 detached dwellinghouses, four semi-detached dwelling units and two garage blocks around a cul de sac with visitor layby parking spaces and a private driveway for four of the dwelling houses.

Each dwellinghouse would have curtilage car parking, pathways and private garden spaces. Some dwellings would have integral garages. The site layout plan also shows the provision of small parcels of open space near to the proposed site entrance and in the site's southeastern corner.

- 10.13 The site layout plan shows the inclusion of the protected trees and how the Public Right of Way would be extended in width to a constant 3.2m to reflect its historic route.
- 10.14 Officers consider that the entire application site would be unable to be developed due to the local and national planning policy considerations, as outlined earlier in this report. Furthermore, due consideration would have to be given to Local Plan policy LP24 regarding the characteristics of the application site.
- 10.15 It is acknowledged that the recent development of four dwelling houses at the former 113 Westfield Lane has changed the character of the locality. However, it is considered that the western side of Westfield Lane (between Rooks Close and Public Rights of Way reference: SPE/31/10) is still characterised by large detached dwelling houses set within large dwelling plots. A Nolli map (or figure ground plan) is provided within the Design and Access Statement to ostensibly demonstrate the appropriateness of the proposed urban grain and density of the indicative site layout plan. However, officers on the contrary believe that this diagram demonstrates the need for a more spacious form of development that has more regard to the site constraints and local context.
- 10.16 Such site constraints indicate that the site layout plan should:
- Positively respond to the green belt (and open views) to the west with an appropriate landscape buffer;
 - Positively respond to the Public Rights of Way SPE/31/10 to the east with due consideration for crime prevention and natural surveillance;
 - Acknowledge any coal mining legacy features;
 - Include any necessary on-site drainage and flood routing features; and
 - Ensure that plots do not suffer from long-term shade and leaf litter issues from the protected trees.
- 10.17 The Council's Design and Conservation Officer has previously stated that there are no heritage issues in relation to the site but has suggested that a Building for Healthy Life assessment is carried out to inform the design at the Reserved Matters stage. In response to committee members request to conserve instead of demolishing the existing dwelling house, the Council's Design and Conservation Officer has concluded they do not consider it a non-designated heritage asset. As such, officers do not believe that the demolition of the existing dwelling house would be contrary to Local Plan LP35 and paragraph 197 or 198 of the NPPF.
- 10.18 Details of elevations, housing mix, house types (including associated amenity spaces), materials, boundary treatments, landscaping and other more detailed aspects of design would be considered at Reserved Matters stage. Full details of any levelling and regrading works, and of any necessary retaining walls and structures, would also need to be provided at Reserved Matters stage.

- 10.19 The West Yorkshire Police Designing Out Crime officer has also raised concerns regarding how the proposed rear gardens to the properties would either abut open land to the west or the PRow to the east making them more vulnerable to burglary. Additionally, the indicative site layout would result in a reliance on effective boundary treatment to prevent unauthorised entry into the gardens. Additional advice has also been provided regarding boundary treatments and additional security features, which can all be addressed at the Reserved Matters stage, through a condition which seeks to minimise the risk of crime.
- 10.20 The current site layout and proposal would not accord with Local Plan policy LP24, NPPF Chapter 12 and the National Design Guide. However, as this application is only seeking a matter of access, it is considered that the other matters, including appearance, landscaping, layout and scale can be secured at the Reserved Matter stage that could accord with the above policy considerations.

Residential amenity

- 10.21 Paragraph 127 clause (f) of the NPPF and clause (b) of policy LP24 of the Local Plan requires proposal to provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings.
- 10.22 The necessary separation distances between existing and proposed residential dwellings would be agreed at the Reserved Matters stage. If the indicative plan was to be considered for the matters of “layout” and “scale” then subject to the vegetation that was to be retained, officers would have sought greater separation distance between the proposed residential dwelling houses and 111 Westfield Lane to the north and 24 Brookfields Road to the south. However, officers consider that given the site boundary vegetation and size of the site that acceptable separation distances can be achieved with an appropriate scale of development. Acceptable separation distances would ensure existing neighbours would not experience significant adverse effects in terms of natural light, privacy and outlook.
- 10.23 The quality and amenity of the future occupiers of the proposed residential accommodation is also a material planning consideration, although it is again noted that details of the proposed development’s appearance, landscaping, layout and scale are reserved at this stage. However, officers consider that a scheme is capable of being provided that provides residents with the necessary amenity space with adequate outlook, privacy and natural light.
- 10.24 In terms of noise, although residential development would increase activity and movements to and from the site, given the quantum of development proposed, the location of the proposed site entrance, and the site’s location on the relatively busy Westfield Lane, it is not considered that neighbouring residents would be significantly impacted. The proposed residential use is also not inherently incompatible with existing surrounding residential uses.

- 10.25 A number of concerns have been raised by residents regarding light pollution. However, officers consider that a residential development at this site can be designed to avoid the introduction of light pollution that would otherwise adversely affect neighbouring amenity and wildlife. An appropriate lighting design can be secured with the imposition of a suitable planning condition if considered necessary.
- 10.26 Given the site's location within an established residential area a condition requiring the submission and approval of a Construction Management Plan is recommended. The condition would ensure that the necessary measures to address the potential amenity impacts of construction work at this site including dust management would be secured.
- 10.27 Officers consider that the impact on the residential amenity of surrounding occupiers can be sufficiently minimised via suggested conditions and as part of any subsequent reserved matters submission should planning permission be granted. Therefore, this application is considered to accord with policies LP24 and LP52 of the Kirklees Local Plan and the aims of Chapters 12 and 15 of the National Planning Policy Framework.

Impact on highway safety

- 10.28 The main issue for consideration as part of this outline planning application is "access" and therefore detailed consideration has been given to the impact of the proposed access point at the site. The internal road layout and parking arrangements are not under consideration, and have not been commented on. Therefore, the assessment of the point of access is based on the proposed site access plan and Highways Supporting Statement by AMA Consultants.
- 10.29 Paragraph 108 of the National Planning Policy Framework and policy LP21 of the Local Plan both explain that when assessing sites for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network, or on highway safety can be cost effectively be mitigated to an acceptable degree.
- 10.30 The proposal would result in the widening of the existing access point of 113 Westfield Lane to the north east of the application site to include a 5.5m width carriageway and 2m wide footway leading into the site. To facilitate the access point the proposal would result in works to the Public Rights of Way SPE/31/10 access point, the gate/boundary wall and vegetation features.
- 10.31 The tree officer has raised no objections to the loss and/or works to the trees and vegetation in this location as it was considered that the vegetation is in a poor condition. The "landscaping" matter would be assessed at the Reserved Matters stage and it would be expected that the application would be supported by an arboricultural impact assessment and method statement.
- 10.32 The Public Rights of Way officer initially objected to the proposal due to insufficient information. However, the officer no longer objects to the proposal subject to a planning condition that secures the original width of the PRoW, which has been agreed by the applicant.

- 10.33 The site would be accessed via B6379 Westfield Lane which is a single carriageway two-way road, subject to a 30mph speed limit. The street is lit and has footways present along both sides of the carriageway. The street is characterised in parts by grass verges and on-street parking bays. The B6379 Westfield Lane runs in a general north-west / south east alignment providing access to the A58 in the north and to Scholes in the south.
- 10.34 Appendix B of the Highways Supporting Statement shows that an acceptable visibility splay of 2.4m x 43m can be achieved in line with Manual for Streets for a 30mph road. Officers recognise that the visibility splays achieved along Westfield Lane could be of far greater distance given the curvature of the road and the width of the existing verge and footway.
- 10.35 The Highways Supporting Statement states that within the most recent 5 years period there has been one collision within a 200m radius of the proposed site access. Details states that there was a slight in severity collision occurred approximately 65m to the north of the proposed site access junction on the B6379 Westfield Lane. The collision occurred on the 02/09/2016 and involved a single vehicle and a pedestrian. It is therefore considered that there are no existing road safety issues within close proximity to the site.
- 10.36 The Highways Supporting Statement has provided the proposed traffic generation using the industry standard TRICS trip rates obtained for a similar size residential development in an “Edge of Town” area location for the network highway peaks of 08:00 to 09:00 and 17:00 to 18:00. The Supporting Statement claims that based on the anticipated net increase of trips against the existing land use, the proposed residential development based on the indicative proposal would generate a net increase of 10 two-way trips in both the AM and PM peaks. On this basis, the Supporting Statement explains how the trip generation of the proposed scheme is considered to be negligible and would have no noticeable impact on the local highway network.
- 10.37 The Highways Supporting Statement has been reviewed by Highways Development Management officers who explain how the results submitted would suggest 0.5 two-way trips per dwelling were likely in both the morning and evening peak. Officers consider that this seems low, with Kirklees usually expecting a rate of around 0.8 trips per dwelling. Even this more robust figure would only increase journeys on Westfield Lane by 12 vehicles per peak hour – one every five minutes.
- 10.38 Highway Development Management have raised no objection to the proposal in terms of access. Detailed comments have been provided regarding waste storage and collection that can be considered at the Reserved Matters stage. Highways Development Management have requested a financial contribution of £17,672.50 towards a real time information display and residential metro cards, which again can be secured at the Reserved Matters stage. Additionally, planning conditions are sought regarding bin storage and collection, access sightlines, retaining features, and any new surface water attenuation features in the proposed highway footprint. All of these requests are considered necessary to ensure that the planning application accords with paragraph 108 of the NPPF and policy LP21 of the Local Plan, if approval is granted.

Drainage and flood risk

- 10.39 The site is within Flood Zone 1, but is less than 1 hectare in size, therefore a site-specific Flood Risk Assessment did not need to be submitted. A Drainage Strategy Report prepared by Holgate Consultants was provided and subsequently revised in response to the Lead Local Flood Authority comments.
- 10.40 The Drainage Strategy explains how foul water would preferably connect by gravity into the existing combined public sewer at Westfield Lane, subject to agreement with Yorkshire Water. Also, the Strategy states that if this is not achievable then a pumped discharge may be required for the proposed properties located lower down the site.
- 10.41 The Drainage Strategy explains how the ground conditions may be unsuitable for surface water infiltration but would require further percolation site investigations, which could be secured by planning condition. If infiltration is not possible then the Strategy indicates that there would be an on-site attenuation storage system (estimated at 130m³ for a 1 in 100 plus 30% climate change allowance) with a discharge limit to greenfield runoff rate of 5.0 litres per second per hectare into a watercourse on third party land at 120m to the west of the site. The proposed discharge rate and strategy is in line with the Lead Local Flood Authority agreements. However, to facilitate the Drainage Strategy, easements would be required that would influence the proposed scale and layout of the development that would be considered at the Reserved Matters stage. It should be noted that there is a risk associated with the applicant not being able to secure the necessary agreements with third party landowners to discharge surface water run-off into this watercourse.
- 10.42 The Lead Local Flood Authority have previously identified a combined public sewer that runs parallel with the site's western boundary. The use of this combined public sewer may be possible to the use of the combined public sewer at Westfield Lane, due to level changes and to avoid using pumping stations.
- 10.43 Therefore, for the planning application to accord with Local Plan policies LP27 and LP28, the necessary planning conditions would need to be imposed to secure exceedance flow routing; drainage detailed design; management and maintenance; temporary surface water management plan during construction; and separate systems for foul and surface water on and off site. Furthermore, these matters would also have to be considered as part of any Reserved Matters application, given the dwelling numbers and site layout are not known at this outline stage.

Landscape, trees and ecology

- 10.44 This development is in Cleckheaton Ward which is currently deficient in quantity in the open space types including, Parks and Recreation grounds and amenity greenspace and deficient in natural and semi natural in terms of accessibility, so all these will be required. A residential development on this site would trigger the requirement of a Local Area of Play (LAP), which officers consider would be better as an off-site contribution elsewhere in the district, such as toward the existing facility at Scholes recreation. If this application is approved, then once the quantum of development is agreed at Reserved Matters stage, the necessary financial contribution can be secured via condition and subsequent S106 Agreement. As such, subject to this condition, the proposal would accord with policy LP63 of the Local Plan.

10.45 There are a number of mature trees and woody vegetation on the site. The site contains the following Tree Preservation Orders:

- Northern boundary - 10a/06/g1, 10a/06/g2
- Eastern boundary - 10a/06/t1, 10a/06/t2, 10a/06/t3, 10a/06/t4, 10a/06/t5, 10a/06/t6, 10a/06/t7, 10a/06/t8
- Southern boundary - 10a/06/t9, 10a/06/t10, 10a/06/t11, 10a/06/t12, 10a/06/t13, 10a/06/t14

10.46 In accordance with regulation 14 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 any permission for works to protected trees cannot be granted with this outline planning application. Therefore, any proposed works to protected trees would require a full planning application. The planning application is supported by an Arboricultural Report and a tree constraint plan. Works to facilitate an appropriate access point, as well as for health and safety reasons would mean the removal or works to the trees on site, including protected trees. The tree officer has raised no objections to this proposal. Further details would be required at Reserved Matters stage to ensure that an appropriate mitigation scheme was secured in accordance with Local Plan policy LP33.

10.47 A Preliminary Ecological Appraisal (PEA) was been submitted with the application which recommended further bat surveys of the buildings on the site. Bat surveys were carried out and provided during the course of the planning application and concluded that bats were likely to be absence from the buildings on site. The Yorkshire Wildlife Trust and the Council's Ecologist have no objections to the proposal. If this application is approved, then a planning condition is required seeking further bat survey work if a Reserved Matter application is not provided within two years. Given the number of dwelling units, the landscaping scheme and the layout are yet to be decided, a planning condition and (if necessary) subsequent S106 Agreement ensuring that the development delivers a biodiversity net gain is also considered necessary. Therefore, the planning application subject to the mentioned planning conditions can be considered to be in accordance with Local Plan policy LP30.

Environmental and public health

10.48 In an application of this nature it is expected that facilities for charging electric vehicles and other ultra-low emission vehicles are provided in accordance with the Local Plan policy LP24, NPPF paragraph 105 and the West Yorkshire Low Emissions Strategy Group. A condition requiring charging points is therefore necessary if the application is approved.

10.49 The health impacts of the proposed development are a material consideration relevant to planning, and compliance with Local Plan policy LP47 is required. Given that matters such as the proposed dwelling sizes, affordable housing, pedestrian connections (which can help facilitate active travel), measures to minimise crime and anti-social behaviour, and other matters, can be secured at the Reserved Matters stage it is considered that the proposed development would not have negative impacts on human health.

- 10.50 Regarding the social infrastructure currently provided and available in the Scholes and Wyke conurbation and the surrounding area (which is relevant to the public health impacts and the sustainability of the proposed development), and specifically local GP provision, there is no policy or supplementary planning guidance requiring the proposed development to contribute specifically to local health services. Furthermore, it is noted that funding for GP provision is based on the number of patients registered at a particular practice and is also weighted based on levels of deprivation and aging population. Direct funding is provided by the NHS for GP practices and health centres based on an increase in registrations.
- 10.51 The application site falls within the middle and outer zones of the Hazardous Material Site, Nufarm Ltd, Wyke Lane, Bradford. The Health and Safety Executive advice does not advise against the proposed development.

Ground conditions

- 10.52 The application site is within a Development High Risk Area as defined by the Coal Authority. The Coal Authority records indicate that the application site is underlain by probable unrecorded coal mine workings at shallow depth. This matter is also recognised in the applicant's Phase 1 Desk Study and Geo Environmental Appraisal (Mugen Geo Ltd, October 2019). Accordingly, the report recommends that intrusive site investigations should be undertaken to determine the exact ground conditions and the presence or otherwise of shallow mine workings. If workings are encountered with the potential to influence surface stability then they should be appropriately consolidated. However, Environmental Health have identified that the Conceptual Site Model fails to make any mention of possible shallow coal workings at the site and consequently concludes that an intrusive investigation of the site regarding contamination is not necessary. Therefore, to accord with Local Plan policy LP53 and NPPF chapter 15, officers recommend that the necessary land contamination and ground stability conditions are imposed.
- 10.53 The site is within a wider mineral safeguarding area relating to surface coal resource (SCR) with sandstone and/or clay and shale. Local Plan policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion c of policy LP38 is relevant, and allows for approval of the proposed development, as there is an overriding need (in this case, housing need, having regard to Local Plan delivery targets) for it.

Climate change

- 10.54 On 12/11/2019 the Council adopted a target for achieving "net zero" carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

10.55 The applicant has not specifically addressed how climate change has been considered as part of this proposal. However, officers recognise that the proposal involves the reuse of an existing dwelling plot within the Scholes-Wyke conurbation which could represent an efficient use of resources and so in this sense the development limits the impact on climate change. Conditions are recommended requiring a travel plan, sustainable travel fund and electric vehicle charging points which will promote low carbon forms of transport which will help to mitigate the impact of the development on climate change.

Representations

10.56 A summary of the issues raised and associated responses are provided as follows:

- Local area has been inundated with planning applications.
- There is no consideration for us who live here although we have continued to object to the destruction of this area.
- Is there a need and the local capacity for this development as Calderdale Council are already planning a development of 3000 new homes in the Thornhill lane garden village proposal between Brighouse and Scholes.

Response: Concerns noted but these are not reasons as to why this planning application should be refused. Each planning application should be assessed on their own merits. Officers are of the opinion that the proposal is a windfall site within a sustainable location and that it would make a positive contribution to the Kirklees district housing requirements.

- Concern that the road widths and sheer number of cars that will be on the plot means that cars, refuse lorries and delivery vans will resort to dangerously reversing on to and parking on the busy Westfield Lane
- Already an issue with parking on the footways
- Residents will have insufficient driveway space for their cars and will have to park on the busy main road of Westfield Lane which already suffers from on street parking issues

Response: Noted. This planning application does not seek to secure the matters of scale or layout for the proposed development. The Council has not set local parking standards for residential development. However, for new residential development the Highway Design Guide Supplementary Planning Document sets initial points of reference, which officers would seek as part of this development at the Reserved Matters stage.

- Impact on the carbon footprint and polluting emissions from an increase in traffic.

Response: Officers acknowledge that the site's carbon footprint is likely to increase with this development proposal. However, it is unlikely to be unacceptable given its sustainable location within an established urban area. Furthermore, measures can be secured to provide residents and visitors with opportunity to use modes of sustainable travel.

- Concern that the PRow will result in being too dark, rendering it unsafe and unusable for a majority of the year due to the boundary treatment associated with the recently built houses and proposed houses.

Response: The applicant has agreed to widen the Public Right of Way and the proposed boundary treatment can be secured as part of a Reserved Matters application or by a suitably worded planning condition. As such, officers do not believe this is a matter of concern.

- It would seem much safer if access to the new development was provided through Brookfields Road.
Response: The red line boundary does not abut Brookfield Roads, thus access cannot be achieved in this location. Furthermore, Highways Development Management do not raise any objections with the proposed access arrangements.
- Development will cause road disruptions during construction as well as worsen road safety and traffic in this area
Response: Concerns have been raised regarding dust, noise and disturbance associated with construction traffic. This matter would be addressed by a condition requiring the submission and approval of a Construction Management Plan and is therefore recommended. The necessary conditions-stage submission would need to sufficiently address the potential amenity impacts of construction work at this site, including cumulative amenity impacts should other nearby sites be developed at the same time.
- Adverse impact on local amenities that are already at capacity i.e. schools, roads, drainage etc.
- Can the utilities cope with all these extra houses? Adding more houses to the area will only result in even poorer internet speeds for existing residents
- Adding more houses to the area will only result in even poorer internet speeds for existing residents
- Water pressure on this road is poor already and to add another 15 houses to this will only make this worse.
- Inadequate drainage and sewerage capacity
- The applicant's drainage and foul sewerage assessment seems unaware of planning application 2013/90068 submitted by Yorkshire Water to alleviate existing drainage problems in this area.
Response: The developer would carry out the relevant assessments/ investigations and liaise with the appropriate utility providers to ensure the development can be carried out and accommodated without overburdening the surrounding infrastructure/services. Furthermore, utility companies have a statutory duty to provide the necessary infrastructure.
- Overdevelopment / too dense
- Development on greenfield / 'Garden grabbing' / Greenbelt. Should develop on brownfield sites.
Response: Although, the application includes a site layout plan showing how 15 dwelling houses could be accommodated on the site, the application is only seeks approval for the access into the site for a residential development. Officers believe that a residential development that considers the site constraints and accords with Local Plan policies LP7, LP11 and LP24 can be achieved.
- It will lead to further unwanted development on this road as a precedent will be set.
- There is a clear building line along this stretch of Westfield Lane which will be disrupted by this application.
- The new properties will not be in keeping with the others in the area.
- There was previously an application to build a similar number of houses on land at 119 Westfield Lane. This was declined on the basis that the proposal

was not in keeping with the characteristics of the local area and the same reasoning applies here.

- The site adjacent 113 Westfield Lane was developed a year prior with four houses on a plot 50 percent the size of this development. Observations of this completed development see that due to overcrowding of an insufficient size plot.

Response: Officers do not consider that the subdivision of this development plot would result in the residential development that is out of character with the rest of the locality as the site is surrounded by development on all three sides (unlike of plots on Westfield Lane). Matters of scale and layout would also be considered at the Reserved Matters stage.

- The current garden acts as a wildlife haven and a buffer with the green belt and should not be developed, thus only the brownfield element of the site should be developed.

Response: No objections have been raised by the Yorkshire Wildlife Trust and the Council's Ecologist have no objections to the proposal, subject to the necessary planning conditions. An appropriate residential layout and landscaping scheme would be sought at the Reserved Matters stage that provided a suitable buffer with the Green Belt and secured the necessary landscape infrastructure to promote a biodiversity net gain.

- The new properties will affect residential amenity as they will overlook many residential houses on all boundaries breaching their privacy in both gardens and internal spaces as well as obstruct natural light.
- Light pollution concerns due to new houses security lighting.

Response: Officers consider that an appropriately designed residential development can be achieved with the necessary separation distances to protect residential amenity. Environmental Health officers have raised no objections to the proposal subject to the imposition of planning conditions.

- The public footpath entrance will adjoin the entrance to the new site. This could mean that school children could meet emerging or entering traffic with no warning posing a safety issue.

Response: Highways Development Management and the Public Rights of Way officer have not raised any concerns regarding this matter. If considered necessary, it is considered that the detailed design of the PRow could be secured by way of planning condition.

- Ownership, management and maintenance concerns of the proposed open space areas and the protected trees.
- Loss of trees will impact on flood risk, visual amenity, landscaping, residential amenity (privacy and shading) and have an adverse impact on biodiversity.
- Unacceptable loss and impact on protected trees, as they will need to be thinned as they are too close to the proposed dwelling houses.
- The large branches currently overhanging our property boundary (which currently cause a nuisance and danger due to falling branches) should be pruned to avoid any further damage during construction.
- Trees remaining with existing tree protection orders should be catalogued with photographs prior to any works or development to ensure they are not removed / damaged / cut by builders and not qualified surgeons in the development process.

Response: Matters of layout and landscaping are not sought as part of this planning application. It is usual procedure that the Council secures an appropriate management and maintenance landscape plan for such development proposals. The tree officer has raised no objections to works to the protected trees to facilitate the proposed access point as that are in a poor condition. However, such works would require a full planning application and would have to be supported by an arboricultural impact assessment and method statement to fully understand the proposed impacts. As outlined in the Planning Practice Guidance Paragraph 002 Reference ID: 36-002-20140306: *“Owners of protected trees must not carry out, or cause or permit the carrying out of, any of the prohibited activities without the written consent of the local authority. As with owners of unprotected trees, they are responsible for maintaining their trees, with no statutory rules setting out how often or to what standard. The local planning authority cannot require maintenance work to be done to a tree just because it is protected. However, the authority can encourage good tree management, particularly when determining applications for consent under a Tree Preservation Order. This will help to maintain and enhance the amenity provided by protected trees.”*

- Dispute traffic survey as too much emphasis is being placed on site residents using public transport and walking to 'local' amenities in Wyke village is absurd given the actual distance in question.

Response: The application site is an existing residential plot within a built up area with access to local amenities. As such, officers consider that the proposal would accord with Local Plan policies LP1, LP2, LP3 and LP20. Highways Development Management have raised no objections to the proposal.

- Adverse impact on local amenities that are already at capacity i.e. schools, roads, drainage etc.
- Strain on local services - local schools and GPs are already at capacity

Response: The quantum of development has yet to be agreed. However, officers believe that given the size of the site and its site constraints that a suitable residential development can be accommodated that does not have an adverse impact on local services.

- There should be more green space per house and taking in to account that if you don't provide adequate parking space, the new residents will pave over the whole front gardens.
- Nowhere in the design proposed is there artistic impression of what the houses look like and whether they fit in with the local buildings.
- Regarding global warming and environmental impact, all the properties should meet stringent building regulations of insulation and efficiency and for the houses on the Greenfield element should benefit from the implementation of renewable heating technology to reduce their carbon footprint.

Response: The planning application does not seek approval of matters such as appearance, scale, landscaping and layout. These matters would be agreed at the Reserved Matters stage. Therefore, parking provision, elevational treatments and the development's carbon footprint would be better understood and assessed at this stage.

- Increase in Impermeable surfaces on the top over Hill will have an adverse impact on flood risk downhill. The fields below this site are subject to water logging which will be made worse by the removal of vegetation interception.
Response: The necessary planning conditions would ensure that an appropriate drainage strategy secures a reduction in surface water run-off, avoiding flood risk elsewhere in accordance with Local Plan policies LP27 and LP28.

Planning obligations

- 10.57 As the applicant seeks outline permission with all matters reserved (other than access), the end number of units is unknown. To accord with Local Plan policy LP11 and the Kirklees Interim Affordable Housing Policy, if the Council is minded to grant outline permission, a condition can be imposed requiring the provision of affordable housing.
- 10.58 Public open space is required under Local Plan policy LP63. At outline stage, a condition can be imposed requiring the provision of public open space (which may take the form of an off-site lump sum contribution).
- 10.59 An education contribution would not be required, given officers believe that the site would not be able to accommodate 25 or more dwelling units due to the site constraints, which is the threshold for an education contribution.
- 10.60 Contribution(s) related to highways impacts may be required. This would depend on the number of units proposed at this site, the related vehicle movements, and any local highways issues that may be relevant at the time a Reserved Matters application is considered. The provision of a Travel Plan and Metro cards for residents may be appropriate. The need for such provisions would be determined at Reserved Matters stage, and a relevant condition is recommended.
- 10.61 Section 106 provisions relating to drainage maintenance, management and adoption may also be necessary. These matters would be considered further at Reserved Matters stage.

Other Matters

- 10.62 As outlined in section 4.0 of this report, the application site and the surrounding area have seen a number of planning applications for the demolition of buildings and the provision of a number of dwelling units. It is noted that in 2007, the site itself had such a planning application.
- 10.63 Although, officer consider these applications to be material considerations, it should be noted that they were determined under a different planning policy context. Each planning application should be determined on their own merits. Furthermore, the previous planning application for this site was for full planning permission, not an outline application with all matters reserved except for access.

11.0 CONCLUSION

- 11.1 The site is not within the green belt and consists of residential plot surrounded by residential development on three sides. The Local Plan and the NPPF allows for redevelopment of such sustainable locations where the development would not have an inappropriate impact on the character of the local area. Officers consider that the principle of an access point to facilitate a larger residential development at this site is acceptable.
- 11.2 The site is constrained due to its relationship with the adjacent green belt, Public Right of Way, trees, ecology, drainage, neighbour amenity, coal mining legacy and other planning considerations. While these constraints would necessitate careful and detailed consideration at Reserved Matters stage, none are considered to be prohibitive to the principle of residential development at this site. Therefore, it is recommended that outline permission be granted.
- 11.3 The NPPF 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. The proposed development has been assessed against relevant policies in the development plan and other material considerations. Subject to conditions and further consideration at Reserved Matters stage, it is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) and is therefore recommended for approval.

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

1. Approval of Reserved Matters details of Appearance, Landscaping, Layout and Scale to be sought before development commences.
2. Plans and particulars relating to Reserved Matters details of Appearance, Landscaping, Layout and Scale to be submitted and approved in writing.
3. Application for Reserved Matters to be submitted within three years.
4. Time limit for commencing development.
5. Development to be carried out in accordance with approved plans and specifications.
6. Full detailed design for drainage including pipe and manhole schedule.
7. Full detailed design of site levels including flow routing from the site including consideration of overland flow paths from drainage and gully bypass.
8. Full details of the proposed means of managing surface water during the construction including silt management to prevent blocking up of drainage systems.
9. The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).
10. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
11. A comprehensive schedule of hard and soft landscaping and a maintenance plan shall be submitted, to and approved in writing by, the Local Planning Authority.
12. Provision of an arboricultural impact assessment and method statement, in accordance with BS 5837.

13. Submission of an Ecological Impact Assessment (EclA) with demonstration how the proposals will deliver a measurable biodiversity net gain of at least 10%.
14. Submission of a Bat Activity Survey if in the event that an application for reserved matters is not made within 2 years of the date of the survey undertaken on the 26th May 2020.
15. Submission of a Phase 1 Preliminary Risk Assessment Report.
16. Submission of a Phase 2 Intrusive Site Investigation Report.
17. Submission of a Remediation Strategy.
18. Implementation of a Remediation Strategy.
19. Submission of a Validation Report.
20. Provision of Electric Vehicle Charging Points.
21. Details securing appropriate width of Public Right of Way (Public footpath Spenborough 31).
22. Affordable housing contribution if over 11 or more dwelling units.
23. Public open space contribution.
24. Suitable storage, bin presentation points and access for collection of wastes from the dwellings.
25. Details of temporary waste collection arrangements to serve occupants of completed dwellings whilst the remaining site is under construction.
26. Provision of sightlines of 2.4m x 43m that are free from obstructions, exceeding 1m in height.
27. Point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site.
28. Provision of details of retaining walls and features adjacent to the existing/proposed adoptable highways.
29. Proposed design and construction details for all new surface water attenuation tanks/pipes/manholes located within the proposed highway footprint
30. Access to serve a maximum of 15 dwelling units.
31. Within first three months of any part of development being brought into use, a travel plan shall be submitted and approved in writing by Local Planning Authority.
32. Sustainable travel contribution.
33. Details of access and internal road layout (to an adoptable standard) to be submitted to and approved in writing.
34. Coal Mining Legacy – the undertaking of an appropriate scheme of intrusive site investigations; submission of a report of findings arising from the intrusive site investigations; submission of a scheme of remedial works for approval and implementation of those remedial works.
35. Submission of a Construction Environmental Management Plan which shall include details of actions that will be taken to minimise adverse impacts on occupiers of nearby properties.

Background Papers:

Link to the application details:-

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020/90436>

Certificate of Ownership – Certificate B signed and dated 05/02/2020

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